

**Mackenzie Valley
Review Board**



Report of Environmental Assessment and
Reasons for Decision on

Bayswater Uranium Corporation's

**Crab Lake
Mineral Exploration Project**

EA0708-005

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 Crab Lake proposed development is likely to have significant adverse impacts on barren ground caribou and heritage resources in the Dubawnt River watershed. However, these impacts can be prevented or minimized provided the developer's commitments and specific additional measures are undertaken.

The Review Board has identified four measures for this purpose. These measures are to prevent project-specific impacts on barren ground caribou, and on heritage resources likely to be found in the area of the proposed development.

The Review Board recommends, pursuant to section 128(1)(b)(ii) of the *Mackenzie Valley Resource Management Act*, that the proposed development may proceed only with these measures to prevent the predicted significant adverse impacts.



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 Crab Lake uranium exploration development in the Dubawnt River watershed of the Akaitcho region of the Northwest Territories. The proposed development involves using a helicopter-portable drill rig to drill approximately 15 holes over five years at two targets. The use of a small 14 person camp near Crab Lake is proposed and all access will be by aircraft. 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

On 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 Crab Lake environmental assessment also provided the developer and parties with a variety of opportunities to come forward with new evidence. The evidence on this combined record indicated there was potential for significant adverse impacts on barren ground caribou and on heritage resources as a result of the proposed development.

To mitigate impacts on caribou, Bayswater committed to a variety of best management practice measures, including overflight height restrictions, monitoring of cows and calves near exploration activities, and no drilling within 10 kilometres of designated caribou

crossings. The developer predicted that caribou would be unlikely to be impacted by the proposed development.

Other parties to the proceeding, in particular the Government of the Northwest Territories, the Beverly and Qamanirjuaq Caribou Management Board, and Aboriginal participants, asserted that the proposed development was likely to cause impacts on Beverly and Ahiak caribou. They provided traditional knowledge and scientific evidence that:

- The proposed work area is utilized by Beverly and Ahiak caribou at many times of the year, but most importantly during spring migration north to the calving grounds, late summer migration south by cows and calves, and the fall rutting period
- Drilling, aircraft overflights and vehicle movements similar to the activities proposed for this development have been shown to have detrimental impacts on caribou, largely but not solely through disturbance and resulting habitat avoidance
- The Beverly and Ahiak herds are both thought to be in decline
- The project-specific impacts on caribou likely to occur as a result of the Crab Lake development would contribute to a larger cumulative effect on caribou from past, present and reasonably foreseeable future human activities across the range of the Beverly and Ahiak herds

The Government of the Northwest Territories and the Beverly and Qamanirjuaq Caribou Management Board proposed a variety of recommendations to minimize project-specific impacts on caribou. Many of these recommendations were not adopted by the developer prior to the closure of the public record.

The Review Board finds that the Bayswater Crab Lake mineral exploration project, alone and in combination with other developments contributing to cumulative effects, is likely to have a significant adverse impact on barren ground caribou, unless the following measures required by the Review Board are imposed:

- The developer shall not conduct any drilling or geophysical survey activities between mid-March and the end of May (when pregnant cows are migrating to calving grounds), or during the month of October (rutting period).
- No drilling will occur within 10 kilometres of a recognized water crossing between July 15 and the end of September, or when groups of caribou (>50 animals) are within 500 metres of the activity.
- Airborne geophysical surveys will only be conducted during the June 1 to July 15 period when caribou are least likely to be in the area, or, if this is not feasible, further mitigation (increased flight heights or pre-activity surveys of the area for caribou) is required.
- The developer shall have at least one community environmental monitor on site at all times during the development, involved in regular surveys designed to identify when groups of caribou are approaching development activities.

In its deliberations on cultural impacts, the Review Board noted that unlike the UR Energy Screech Lake proposal and the other three proposed uranium exploration developments that were assessed concurrently, the Crab Lake proposed development is completely within the Dubawnt River watershed to the east of the culturally important Upper Thelon River Basin. The developer and some parties indicated this might make the proposed Crab Lake development less likely to be a cause of cultural impacts.

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, there is no evidence on the public record to indicate that the Dubawnt River watershed has the same critical cultural importance to the Denesoline people as the Upper Thelon River Basin. The Review Board finds it unlikely the Crab Lake development will have a cultural impact on Aboriginal people related to disruption of the location's spiritual value.

However, the Review Board is persuaded by credible evidence presented in this proceeding that the proposed Crab Lake development is likely to have a significant adverse impact on heritage resources. The developer indicated that there are no known heritage resources in the immediate vicinity of the proposed development. The Review Board is of the view, however, that this simply reflects the fact that no archaeological work has been conducted in this area. The Review Board finds the traditional knowledge evidence provided by the Treaty #8 Tribal Corporation and the predictions made by the Prince of Wales Northern Heritage Centre more credible. Both organizations assert that the Crab Lake development is in an area with high potential for unrecorded heritage resources. The Review Board further notes that the developer has not committed to conducting a pre-development heritage resource impact assessment or to adequate mitigation in the case it identifies a potential heritage resource during its operations, despite the fact the Government of the Northwest Territories and the Treaty #8 Tribal Corporation both provided recommendations to further protect heritage resources.

The Review Board finds that the Bayswater Crab Lake mineral exploration project is likely to have a significant adverse impact on heritage resources unless the following measures required by the Review Board are imposed:

- The developer shall have an archaeologist conduct a pre-development heritage resource impact assessment, after seeking input from affected first nations.
- Buffer zones of 100 metres will be set up between development activities and any known or suspected heritage resources, the site catalogued, and the Prince of Wales Northern Heritage Centre and affected first nations notified.

In addition to these measures, the Review Board also provided suggestions related to more effective site-specific caribou sighting documentation, cumulative effects assessment on caribou, and cultural/traditional knowledge studies in support of more effective future land use management decisions throughout the Thelon geologic basin.

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 Crab Lake Mineral Exploration Project (EA0708-005). The report is issued pursuant to s.128 of the *Mackenzie Valley Resource Management Act*¹.

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 (MV2007C0009) to allow camp construction, fuel caching and diamond drilling activities at its Crab Lake proposed development in the Dubawnt River watershed in the Akaitcho region of the Northwest Territories. The proposed Land Use Permit was to support early stage exploration on Bayswater's mineral claims, as well as on 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 made the decision to refer 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)² 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.

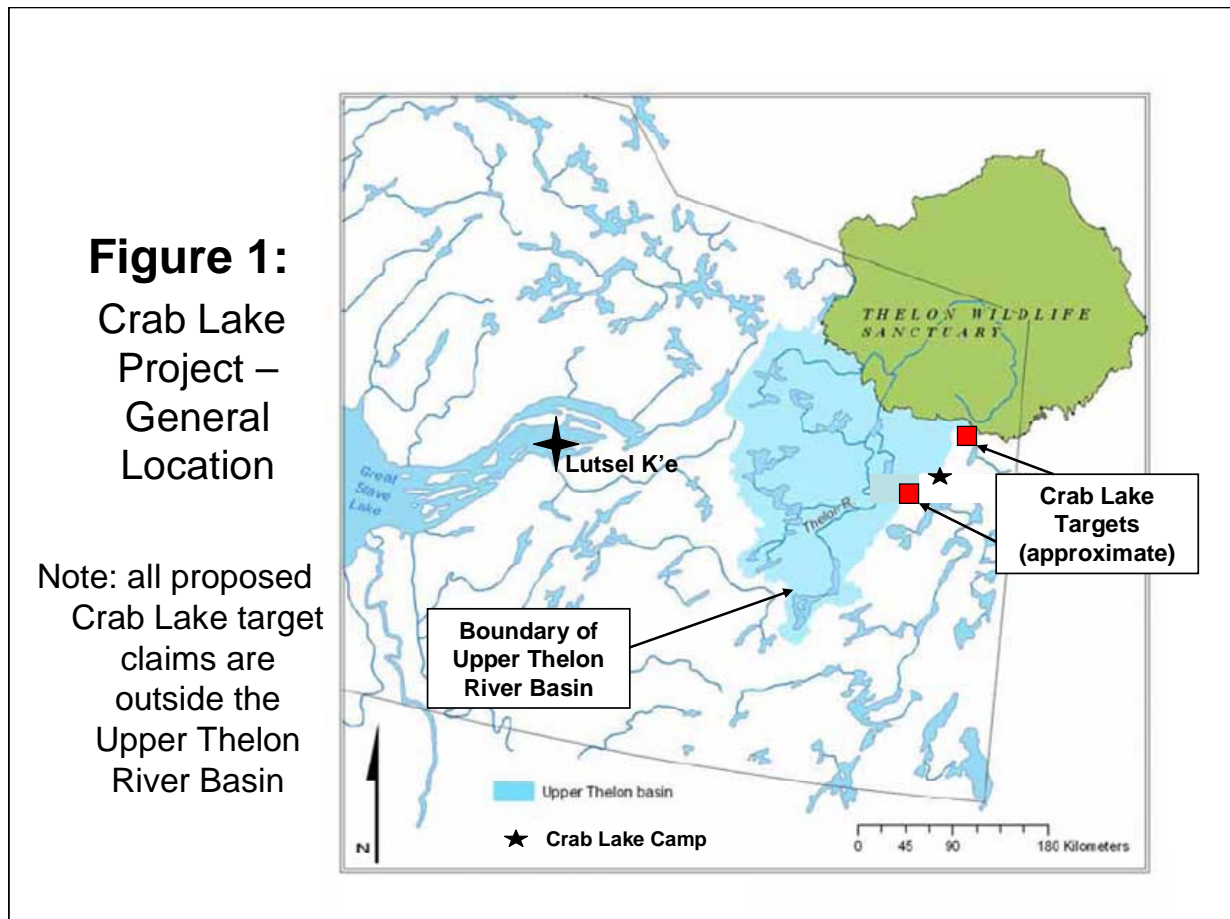
Bayswater's proposed Crab Lake development includes a diamond drill program consisting of a maximum of 15 holes (individual holes between 300 to 800 metres deep) over five years. It may also include airborne and ground geophysical surveys. A total of 5,000 metres of drilling is proposed. The major target metal is uranium.

The exploration work will be carried out from a base camp near Crab Lake, and will be entirely on lands within the Dubawnt River watershed. The 14-person camp is located 390 kilometres east of Łutsėlk'e and 577 kilometres east of Yellowknife. It will be re-supplied on a weekly basis from Yellowknife by either float- or wheel-equipped aircraft.

¹ 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*.

² 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).

The approximate location of the proposed Crab Lake camp and the two drilling targets are shown in relation to the Upper Thelon River Basin 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 Crab Lake camp by helicopter. Cores will be stored at the Crab 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 covered lakes or rivers 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, according to the developer's submissions that 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
Bayswater Uranium Corporation's Crab Lake Mineral Exploration Project
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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
- 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 two different areas of interest for drilling, one in close proximity to the southern end of the Thelon Game Sanctuary and one west of Mosquito Lake. The developer has one drill target for each of these areas of interest (C1 and C2– see Figure 2 for details).

In addition to Crab Lake, another Land Use Permit application by Bayswater was also referred in 2007 to environmental assessment– the El Lake Mineral Exploration Project (permit application MV2007C0010 and EA0708-004). Figure 2 provides additional detail about the approximate comparative location of the Crab Lake and El Lake proposed developments. The two drilling target locations and the Crab Lake camp location are outlined in red. 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. The watershed divide is identified as a green line in Figure 2.

Figure 2: Crab Lake – Project Location Detail

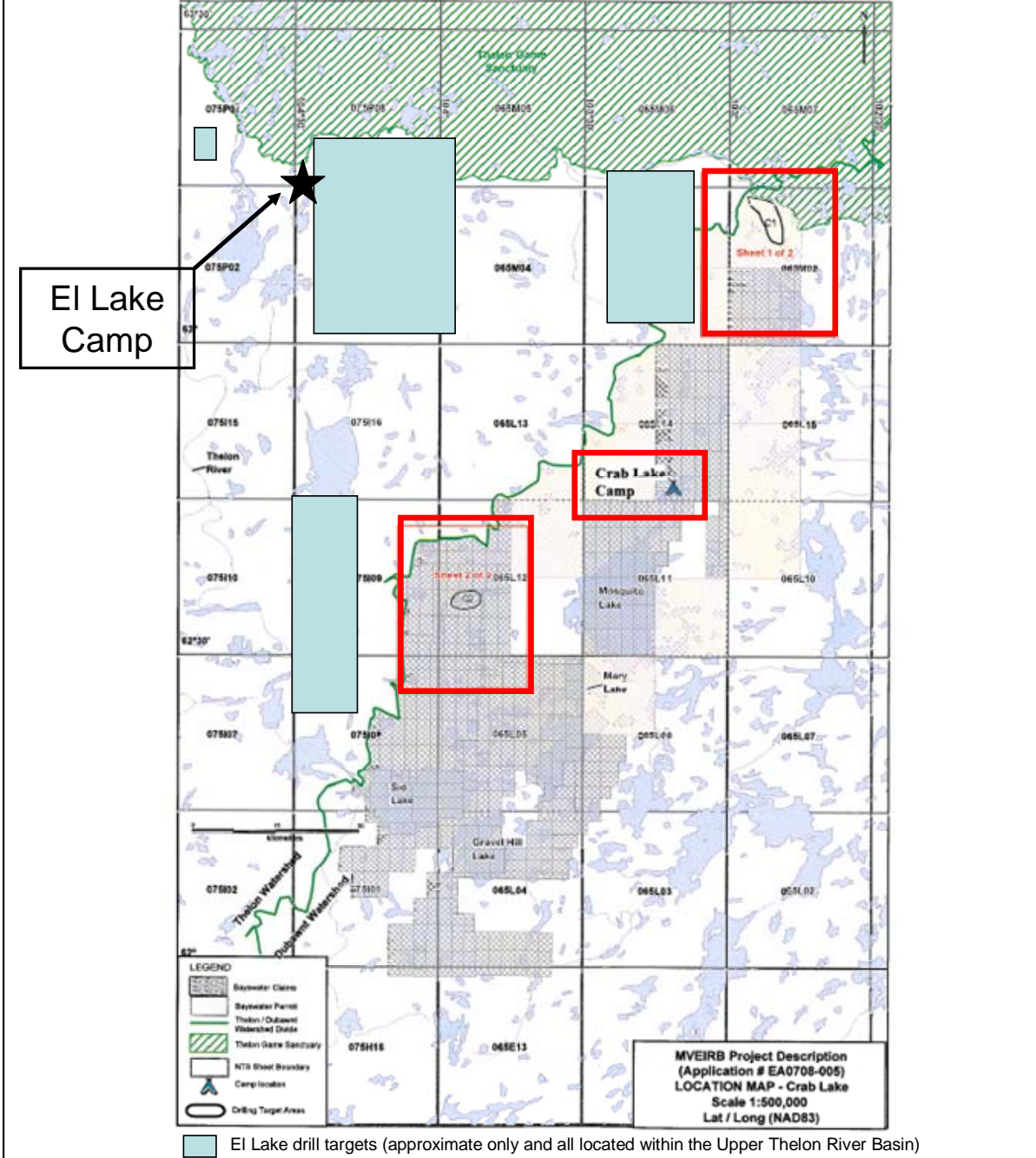


Figure adapted from the developer's *Project Description Summary* (PR#26)

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 Crab Lake proposed development is located in the Akaitcho region of the Northwest Territories, within the southeastern limit of the Thelon geologic basin and in the western portion of the Dubawnt River watershed. The Dubawnt River watershed is part of the larger Lower 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. Also noteworthy is that the area is an isolated treed region in the barrens over one hundred kilometres north of the tree line.

The proposed project is in the Western Taiga Shield Ecozone and the Coppermine River Uplands Ecoregion. This is an area of Arctic climate, although it 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, with high potential for unrecorded heritage resources. The area is utilized by Aboriginal peoples of the Northwest Territories and northern Saskatchewan, in particular the Denesoline people³.

³ 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 (e.g., the Treaty #8 Tribal Corporation in PR#136).

2 Environmental Assessment Process

Figure 3 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:

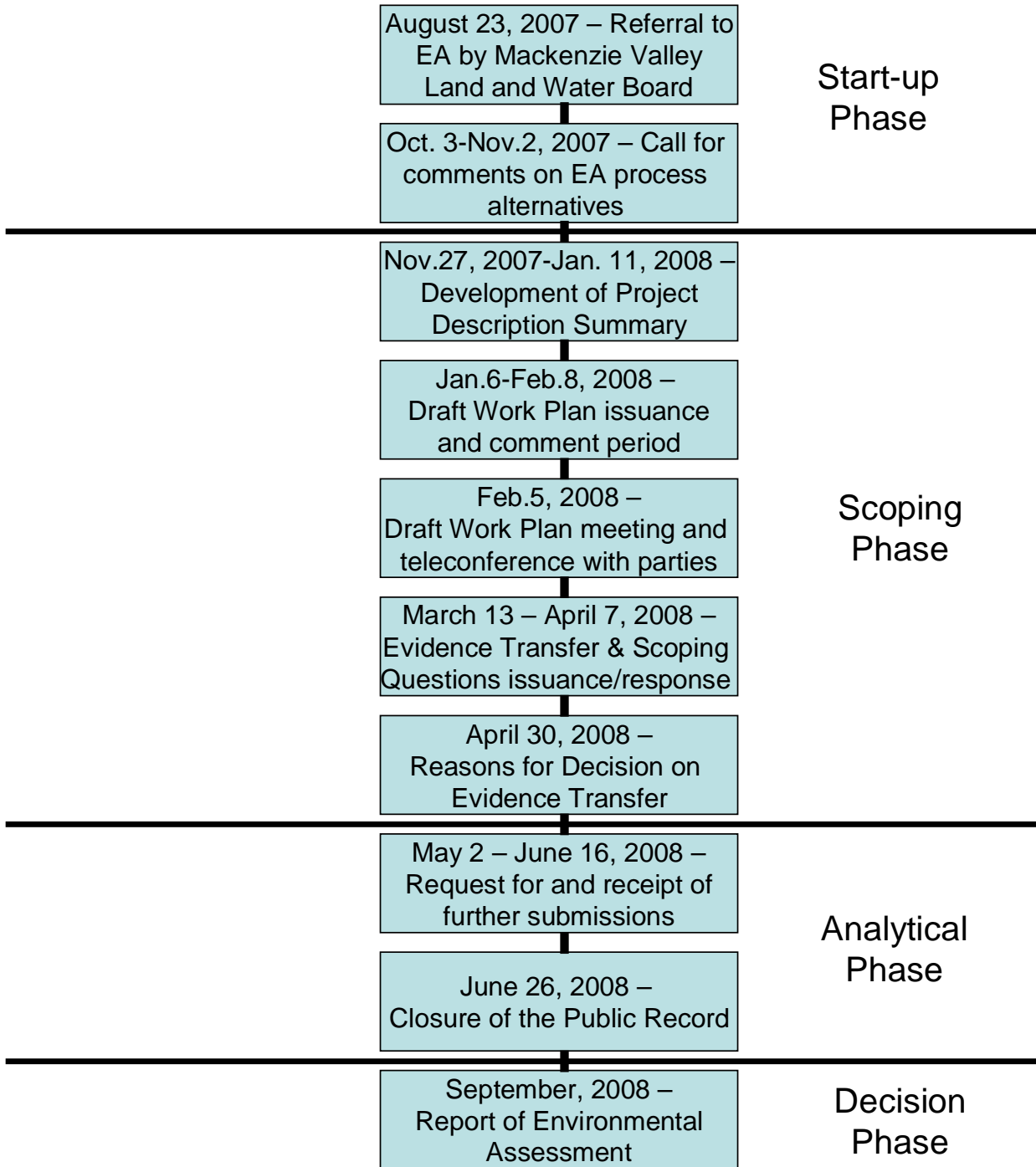
1. Łutsëlk'e Dene First Nation;
2. Deninu Kue First Nation;
3. Northwest Territory Métis Nation;
4. NWT Treaty #8 Tribal Corporation;
5. Athabasca Denesuline;
6. Government of the Northwest Territories;
7. Indian and Northern Affairs Canada;
8. Beverly and Qamanirjuaq Caribou Management Board;
9. Canoe 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 Aboriginal, governmental and non-governmental organizations 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

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 Bayswater Crab Lake environmental assessment (EA0708-005) public record. 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 3: EA Process for EA0708-005



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 by governments 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 3.

2.2 Start Up Phase

During the start-up phase, the Review Board set out the basic administrative structure of the environmental assessment (a distribution list, a paper- and website-based 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 outlined by the Review Board. The Review Board asked for this input because this environmental assessment was one of four concurrent environmental assessments, involving two developers, with proposed developments in the same general location (the Thelon geologic basin), with 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). During the preliminary screening process, parties had 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 which were very similar to each other and to a previously assessed similar development (in location, nature, and expressed concerns from parties), the Review Board sought, with 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 Crab 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 that relevant UR Energy Screech Lake environmental assessment evidence was transferred to the public records of the 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 the 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 this 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 its Crab Lake proposal 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)⁴.

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. Parties 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 Ahiak caribou herds and on Aboriginal cultural values associated with the Upper Thelon River Basin

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

- Any other important issues parties believed needed to be considered
- 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#131), 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 Łutsëlk’è 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. Several parties to the environmental assessment consistently made clear their opposition to the proposed development. Others provided specific recommendations they felt needed to be adopted should the development proceed. The Review Board concluded it was therefore unlikely these parties would 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 to 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 have simply prolonged 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 record⁵, 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 Crab Lake development are described in detail in sections five and six of this *Report of Environmental Assessment*.

⁵ 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 Dubawnt River watershed. The Review Board defined the geographic scope of the development for Bayswater's Crab Lake mineral exploration project to consist of the area covered by the mineral claims and prospecting permits identified by Bayswater as containing proposed drilling targets in its MV2007C0009 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 airborne and ground-based geophysical work, the location of the proposed Crab 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 Crab Lake project's general operations:

- Helicopter-supported diamond drilling and associated activities, to a maximum of 15 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 Crab 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 near Crab Lake with housing for 14 people;
- Transportation to camps and to worksites from camps of personnel and equipment, whether by fixed wing aircraft, helicopters or any form of land-based machine;
- 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 barren ground caribou use of the project area as a migration corridor during certain parts of the year. In this case, the developer submitted a likely timeline of activities in the area 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, 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, 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 beyond which 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 barren ground caribou herd 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, the Review Board notes that the proposed development, unlike the UR Energy Screech Lake environmental assessment and the other three environmental assessments in the Thelon geologic basin referred in 2007 (EA0708-002 through -004), the Crab Lake proposal is fully inside the

Dubawnt River watershed and not the Upper Thelon River Basin (see Figures 1 and 2). The Review Board therefore 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 Dubawnt River watershed during the Crab Lake environmental assessment. Because the Crab Lake development is adjacent to but fully outside the Upper Thelon River Basin, evidence from parties that referred to cultural values associated with the Upper Thelon River Basin was given reduced weight during assessment of cultural impacts for this proposed development.

The *Draft Work Plan* and *Evidence Transfer and Scoping Questions* emphasized the Review Board's consideration of the following site-specific issues during this environmental 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 Ahik 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 valued components as the proposed Crab Lake development. For this environmental assessment potential contributors included activities in the Thelon geologic basin, including industrial development activities that may not require Land Use Permits or Water Licenses, such as aircraft overflights for geophysical survey purposes.

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 the Crab Lake proposed development, identified that the regional location of this proposed development was more important than site-specific issues. In particular, some parties identified the general project area as containing a wealth of heritage resources and as being an important migration route for Beverly and Ahiak caribou.

Special consideration was given to the following two topics during this assessment:

1. Impacts of this type of development activity (site-specific and cumulative) on physical heritage resources and on the cultural values of Aboriginal users related to the development area; 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 proposed development area 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 Crab 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 have been adequately addressed by the evidence 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 further discussed in this report. The only issues the Review Board discusses in detail in this *Report of Environmental Assessment* are those related to impacts on barren ground caribou (section 5) and impacts on culture and heritage resources (section 6). Both require additional mitigation measures to manage against likely significant adverse impacts from the Crab Lake development.

5 Assessment of Impacts on Caribou

5.1 Introduction

Barren-ground caribou are an important valued component, in part because they represent an important social, economic and cultural resource for Aboriginal land users. This environmental assessment identified impacts on Beverly and Ahiak caribou as a key line of inquiry. This includes project-specific impacts and cumulative impacts arising from the potential effects of this development in combination with other human activities in the ranges of these herds.

Discussion of potential impacts on caribou 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 and mitigation recommendations from parties); and
- The analysis and conclusions of the Review Board pertaining to impacts on caribou.

5.2 Evidence Transferred from the UR Energy Screech Lake environmental assessment⁶

The Review Board transferred a variety of evidence on potential impacts of industrial development on caribou from the UR Energy Screech Lake environmental assessment⁷. The Review Board considered evidence from this previous assessment relevant despite the fact the UR Energy Screech Lake development was proposed in the Upper Thelon River Basin, because the locations are only 40-80 kilometres distant from one another and both Beverly and Ahiak caribou are known to frequent both the Upper Thelon and Dubawnt watersheds various times of the year.

It was established during the UR Energy Screech Lake environmental assessment that the southern portion of the Thelon geologic basin is used extensively as a migration corridor, primarily by the Beverly and Ahiak caribou herds. The most sensitive times for caribou in the proposed development area was predicted to be mid-March to late May when pregnant cows migrate north to calving grounds.

⁶ Note that any PR#s noted here refer to the public registry of Bayswater's Crab Lake environmental assessment 0708-005, not that of UR Energy Screech Lake environmental assessment 0607-003.

⁷ For greater analysis of the UR Energy Screech Lake environmental assessment's evidence on caribou, see Section 8 of the Review Board's *Report of Environmental Assessment and Reasons for Decision* on that proposed development (PR#116 for the Crab Lake environmental assessment).

The developer committed to a variety of mitigation measures to minimize impacts on caribou during the course of the UR Energy Screech Lake environmental assessment. This included:

- Maintaining a minimum flying altitude of 300 metres, except on take-off and landing;
- Suspending drilling activities if caribou approach within 500 metres of the drill, using a spotter on the drill tower and a marker flag at 500 metres for comparison;
- No drilling within three kilometres of the Thelon River during post-calving periods;
- Maintaining a detailed log of caribou sightings; and
- A willingness to operate from January to April to avoid caribou migration disturbance, and a willingness to shut down for May as necessary.

Evidence was submitted during the UR Energy Screech Lake environmental assessment that pregnant caribou and caribou with calves are particularly vulnerable to disturbance from industrial development. UR Energy's prediction was that natural challenges may affect caribou survival and reproduction more than industrial development, and impacts of the Screech Lake project on caribou behaviour, movement and health would be negligible.

Other parties disagreed with this prediction, most notably the Government of the Northwest Territories and the Beverly and Qamanirjuaq Caribou Management Board. These groups, as well as elders from the Łutsëlk'e Dene First Nation, confirmed that the Upper Thelon River Basin is an important habitat area for to both Beverly and Ahiak caribou during most seasons, but is most important as a spring migration corridor. These groups also expressed concerns that caribou are particularly vulnerable to disturbance at water crossings and if disturbed will expend additional valuable energy and be diverted to less favourable habitat.

These disturbance and habitat impacts were identified by parties as being particularly important. Disturbance impacts on pregnant cows were shown to be linked to reduced calf size at birth and related survival rate reductions for both calves and cows. Cow and calf survival rates were shown to be of central importance to overall herd health.

Although no recent comprehensive population surveys on the Beverly and Ahiak herds had been conducted, the Government of the Northwest Territories and the Beverly and Qamanirjuaq Caribou Management Board predicted that it was likely both herds had decreased in size. If so, these parties argued the Ahiak and Beverly herds will be less able to cope with increased levels of disturbance, especially to pregnant cows. The Łutsëlk'e Dene First Nation agreed with this prediction. It urged the use of additional protection for caribou given uncertainty over herd health.

Parties felt that caribou are vulnerable both from individual projects' activities and from the increasing number of cumulative effects contributors – especially ongoing, proposed or potential exploration activities throughout the range of the Beverly and Ahiak caribou. Parties provided evidence that proposed uranium exploration developments throughout

the Thelon geologic basin were likely to increase, given increasing prices for uranium and an accompanying staking rush between 2005 and 2007. These activities in Nunavut and the Northwest Territories are likely to be proposed in important caribou habitat, including calving and post-calving grounds in Nunavut.

The Government of the Northwest Territories and the Beverly and Qamanirjuaq Caribou Management Board recommended the following mitigation measures be put in place if the Screech Lake development was allowed to proceed:

- Exploration activities should only occur between January and April
- No activity should occur within five kilometres of water crossings when caribou are present

The Beverly and Qamanirjuaq Caribou Management Board, the Treaty #8 Tribal Corporation, and the Łutsėlk'e Dene First Nation all provided opinions that there were important information gaps limiting the ability of assessors to make good cumulative effects predictions. These parties recommended that the precautionary principle should apply and that results from additional cumulative effects studies on caribou in the Upper Thelon (across their entire range) should be required before industrial development proceeds.

In its *Report of Environmental Assessment and Reasons for Decision* for the UR Energy Screech Lake file (PR#116), the Review Board noted the developer's proposed mitigation measures would help to reduce or avoid impacts on caribou, particularly the commitment to shut down operations for May. However, the Review Board accepted the evidence from other parties that the developer's mitigation commitments would still not be sufficient to ensure project-specific significant adverse impacts on caribou would be minimized or avoided.

The Review Board noted there was clear evidence that pregnant caribou migrating through the Upper Thelon River Basin are most vulnerable between mid-March and late May every year. The Review Board also accepted the arguments of the Government of the Northwest Territories, Beverly and Qamanirjuaq Caribou Management Board and the Łutsėlk'e Dene First Nation that a precautionary approach to dealing with caribou avoidance and other mitigation was warranted.

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. However, the Review Board also found that the recommended rejection of the proposed development on other (cultural) grounds prevented any potential project-specific impacts on caribou and therefore no mitigation measures were required. The Review Board did note that "were this development not to be rejected, mitigation measures would be required for this impact [on caribou]" (PR#116).

The Review Board also found that there were important information gaps keeping an accurate picture of cumulative effects on barren ground caribou, as well as overall herd health, from being established. This led the Review Board to suggest that a regional caribou cumulative effects study be conducted.

5.3 Bayswater's Submissions

Bayswater (PR#1, 20, 26) indicated that while their proposed Crab Lake exploration project is within the range of the Beverly caribou herd, there are no calving or post-calving areas within the areas covered by their application and the herd generally overwinters to the south of the development area. The developer advised that documented water and ice crossings for the Beverly herd are either to the south or west of the proposed camp and drilling targets, and that all proposed development activities are outside the recommended 10 kilometre buffer zone suggested for these crossings. Bayswater estimated that “*caribou will most likely be present in the period of early August to mid-September and mid March to late May*” (PR#26). The developer’s proposed work season was identified as any time between March and the end of September, and could include drilling activities at any of those time periods.

Bayswater concluded that its proposed exploration work can be accomplished with no significant environmental impacts.

Bayswater made a variety of commitments to reduce impacts on caribou in its applications to the Mackenzie Valley Land and Water Board and subsequent *Project Description Summary*, several in apparent response to recommendations made by the Government of the Northwest Territories (PR#2). Table 1 captures all of the caribou-related commitments made by the developer during the course of this environmental assessment.

Table 1: Caribou Impact Mitigation Commitments (all commitments made by Bayswater Uranium Corporation)

COMMITMENT#	PR#	COMMITMENT
1	1	All exploration personnel will be instructed to avoid interaction with wildlife
2	1	If herds of caribou are encountered, all exploration work in the area occupied and surrounding these herds will cease until the caribou has moved on
3	1	Helicopters will not be permitted to fly less than 300 metres above any herds of caribou
4	1	It is planned to hire a resident of the community of Łutsėlk'e as an environmental monitor
5	1	Records of all wildlife encountered will be kept in camp and be available for inspection any time
6	26	All Bayswater exploration camps have a strict no hunting policy for all staff
7	26	All Bayswater exploration camps have a strict policy of no feeding of wildlife
8	26	In the event that caribou cows calve within the project area, the Permittee shall suspend operations within the area(s) occupied by cows and/or calves between May 15 and July 15.
9	26	In the event that caribou cows and calves are present, the permittee shall suspend: <ul style="list-style-type: none"> o Blasting o Over flights by aircraft below 300 metres o The use of snowmobiles and all-terrain vehicles outside the immediate vicinity of the camp
10	26	Caribou have the right-of-way, and will not be blocked or deterred from moving through the project area.
11	26	Minimum overflight heights (except when ceiling conditions do not permit, or during take off and landing) of 610 metres for longer range transportation, and 300 metres for shorter transport flights
12	26	During May 15 th to August 15 th , Bayswater will monitor the presence of caribou cows and calves near exploration activities during the daily movement of staff to and from drill rigs. The monitoring will be performed by the helicopter pilot and or Bayswater staff. The resulting data will be maintained at the camp
13	26	During May 15 th to August 15 th , if cows and calves are present within 5 kilometres of exploration activities (based on caribou monitoring surveys), then Bayswater will suspend the operation of All Terrain Vehicles, snowmobiles, and water craft
14	26	During May 15 th to August 15 th , Bayswater will not drill within 10 kilometres of designated caribou crossings, and not construct a camp, cache fuel, or operate ground, air, or water transportation equipment within 10 kilometres of designated caribou crossings.

5.4 Parties' Submissions

A number of parties provided additional evidence and opinion about potential impacts on caribou from the Crab Lake project, alone and in combination with other developments contributing to cumulative effects on barren ground caribou.

The Treaty #8 Tribal Corporation argued that the Dubawnt River watershed, just like the neighbouring Upper Thelon River Basin, is critical post-calving habitat for barren ground caribou, and that both proposed Crab Lake target drilling areas are known to contain major caribou water crossings and migration routes (PR#136).

The Government of the Northwest Territories restated that its concerns from the UR Energy Screech Lake environmental assessment, in relation to both the Beverly and Ahiak herds, apply to this environmental assessment as well (PR#2, 132). It identified concerns about the proposed exploration being in the spring migration corridor for both the Ahiak and Beverly barren ground caribou herds. Migrating cows are especially vulnerable to disturbance effects during this March 16 to May 25 time period, when they are in their last trimester of pregnancy and in their poorest physical condition. The Government of the Northwest Territories noted that evidence from collared caribou indicates that caribou from both herds may be encountered in the proposed development area during February-May, August-September, and November-December.

The Government of the Northwest Territories expressed concerns about impacts of disturbance on caribou at water crossings from the outset of the preliminary screening process, stating that

Water crossings are limited on the landscape and as such are very important in facilitating movements across the landscape. Any diversion from a crossing could result in substantial increases in energy expenditures as caribou backtrack to find another appropriate route on their migratory path - (PR#2).

The Beverly and Qamanirjuaq Caribou Management Board (PR#31, 44, 135, 139) estimated that noise and movement from drilling activities and aircraft overflights, 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 identified the Crab Lake area as an area of importance during both these periods, as well as the fall rutting season (PR#31).

The Beverly and Qamanirjuaq Caribou Management Board identified a variety of different types of potential project-specific disturbances, all of which it suggested could affect both the Beverly and Ahiak caribou herds (PR#44):

- Disturbance during spring migration during camp construction and mobilization proposed for March and April and transport of personnel during geophysical work proposed for April and May;
- Disturbance during August 15-September 15 – “when cows and calves are relatively stationary and need to feed continuously to build up reserves for the breeding period (fall rut), survival during the winter and foetal development during winter months”;
- Disturbance during airborne geophysical surveys. It was noted that

between 2005-2007, both Uravan and Bayswater conducted extensive airborne geophysical surveys using both rotary wing and fixed wing aircraft at low elevation and small transect spacing (250-400m). Low elevation surveys disrupt the feeding of caribou cows and calves during July-September, which can affect the growth/survival rates of calves and the conditions of cows and whether they will be in good enough shaped to breed in the fall.

- Habitat loss, especially “key water crossings may be abandoned if industrial activity is encountered near them”; and
- Contamination accumulating in caribou from wastes generated by individual exploration sites.

The Beverly and Qamanirjuaq Caribou Management Board later reiterated and amplified its concerns about airborne surveys (PR#139):

Airborne surveys, especially those conducted at low elevation and with tight transect spacing, can affect the movements and feeding patterns of caribou. This disturbance could have significant negative impacts if the flight path of aircraft crosses over large groups of cows with newborn calves or post-calving groups.

The Beverly and Qamanirjuaq Caribou Management Board provided its opinion that both the Beverly and Ahiak caribou herds are likely to be in decline (PR#44), 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 (during the latter period, cows with calves) (PR#135). This supported traditional knowledge inputs from the UR Energy Screech Lake environmental assessment about the times of year Beverly and Ahiak caribou use the southern portion of the Thelon geologic basin.

Both the Beverly and Qamanirjuaq Caribou Management Board and the Government of the Northwest Territories identified a series of recommendations for the minimization of project-specific impacts to caribou. All of those recommendations are identified in Table 2.

Table 2: Caribou Impact Mitigation Recommendations from Parties

PARTY	PUBLIC REGISTRY #	RECOMMENDATIONS
Government of the Northwest Territories (GNWT)	2	A survey of the project area should be regularly conducted and the proponent should shut down operations if concentrations of caribou (>50 animals) are located within 500 metres of drilling operations/sites. Suspended activities include drilling, aircraft overflights (<300 metres), and All Terrain Vehicles or snowmobile use outside the immediate vicinity of the camp. When caribou are further than 500m away operations may resume
GNWT	2	No drilling activity should be conducted within 5 km of recognized caribou water crossing until such time that migration has completed
GNWT	2	If large concentrations of cows (groups >200) are within the project area during the fall migration (after 15 September), the proponent should shut down operations for the season
GNWT	2	No wildlife should be approached closer than 500 metres, disturbed, chased, or harassed by human beings on foot, in a motorized vehicle, or by aircraft
GNWT	2	Wildlife should not be fed
GNWT; BQCMB	2; 135	Activities should not occur during the months of April and May (according to the GNWT; mid-March to end of May, according to the BQCMB) when cows are migrating toward their respective calving grounds, or in October during the rutting period
GNWT; BQCMB	2; 135	If cow/calf groups are encountered in (summer months of July and August, according to the GNWT; anytime between July and September, according to the BQCMB), operations should be suspended until the animals move out of the area
GNWT	2	Airborne geophysical surveys should not be conducted over cow/calf groups at any time of the year or over bulls during the rutting period and immediate post-rut period

PARTY	PUBLIC REGISTRY #	RECOMMENDATIONS
GNWT; BQCMB	2; 31	GNWT: Minimum altitudes of no less than 300 metres should be maintained at all times other than landing or taking off. BQCMB: Aircraft must not fly at low altitudes below 300 metres over cow-calf groups at any time, over bulls during or immediately after the rutting period, or over concentrations of caribou (>50 animals) at any time of the year
GNWT	2	The developer should provide Environment and Natural Resources' South Slave Regional Biologist with records of any wildlife sightings made during the duration of the programs, including information on location (with Global Positioning System coordinates if possible), number and reaction of the wildlife to overflights or other project activity (if applicable)
Beverly and Qamanirjuaq Caribou Management Board (BQCMB)	31	The proponent should establish a rigorous caribou monitoring program that involves regular aerial surveys, as well as on-ground monitoring by an independent caribou monitor (preferably from Łutsëlk'e), to determine when caribou are moving toward the project area. This monitoring system should ensure that advance notification is received for shutting down project activities if concentrations of caribou (>50) are approaching. This will be necessary to ensure that potential disturbance is discontinued (i.e., project operations are suspended) before caribou reach the project area. Suspended activities would include drilling, geophysical surveys, aircraft overflights, and use of All Terrain Vehicles or snowmobiles outside the camp area

The Government of the Northwest Territories recommended in addition that the developer establish a strong relationship with traditional knowledge holders to assist in project planning (PR#2).

The Government of the Northwest Territories and the Beverly and Qamanirjuaq Caribou Management Board identified that cumulative effects studies on caribou had not yet been completed and reiterated the need for this key information gap to be filled as a prerequisite to range-wide conservation planning (PR#2, 135). The Treaty #8 Tribal Corporation also remained concerned about “*cumulative impacts of uranium exploration activity (especially helicopter and drill noise) upon Beverly and Ahiak post-calving feeding and migration, particularly in the vicinity of the Thelon River valley*” (PR#41).

The Government of the Northwest Territories was particularly concerned about cumulative effects of increasing mineral exploration on the entire range of the Ahiak and Beverly caribou herds, stating that “*these collective activities may have potentially significant effects on the herds*” (PR#2). The Beverly and Qamanirjuaq Caribou Management Board 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 (PR#44, 135, 139). For example, it noted that

Applications for work to support mineral exploration on the Beverly calving and post-calving areas in Nunavut during spring and summer 2008 have been made by Uravan, Bayswater, Cameco and Matrix Aviation. This represents new potential impacts to both Beverly and Ahiak caribou (which pass through the Beverly calving area during spring migration and during post-calving), in addition to exploration activities which are ongoing on the calving and post-calving areas – PR#135.

Besides range-wide impacts, the Beverly and Qamanirjuaq Caribou Management Board noted that the close agglomeration of uranium exploration developments in the Thelon geologic basin created additional potential for localized cumulative disturbance on caribou. The Treaty #8 Tribal Corporation remained concerned about the impacts of uranium exploration activity on the Beverly and Ahiak post-calving, feeding and migration activities (PR#41).

In addition, the Beverly and Qamanirjuaq Caribou Management Board provided new evidence to support its calls for precaution and planning prior to any further development throughout the range, in particular, of the Beverly herd (PR#44):

A June 2007 Beverly calving ground survey found low numbers and density of caribou and calves on the Beverly calving ground during the calving period. Until further information is obtained on the status of the Beverly herd, the precautionary principle should be applied and development should not occur if there are any potential impacts to caribou cows and calves.

Finally, the Beverly and Qamanirjuaq Caribou Management Board (PR#135) stated that the precautionary principle is needed “even more” than during the UR Energy Screech Lake environmental assessment. To support this assertion, it cited lack of progress toward a land use plan, as well as an opinion that efforts by Indian and Northern Affairs Canada, the Government of the Northwest Territories, and overarching cumulative effects assessment frameworks (i.e., the Cumulative Impacts Monitoring Program and the Environmental Management Framework, formerly known as the Cumulative Effects Assessment Monitoring Framework) “*have not yet developed a means to monitor or assess the cumulative effects of exploration activities on caribou*”.

5.5 Review Board’s Analysis and Conclusions

The Review Board is of the view that the new information gathered during this environmental assessment supports and reinforces the evidence that led to the Review Board’s finding of a likely significant adverse impact on barren ground caribou from the UR Energy Screech Lake proposed development. While Bayswater argued that its proposed development is not in post-calving grounds, the Treaty #8 Tribal Corporation and the Beverly and Qamanirjuaq Caribou Management Board provided credible evidence that the Crab Lake area is valuable habitat during both pre- and post-calving for both the Beverly and Ahiak caribou herds. The Review Board accepts this evidence which is based on the knowledge of traditional users of the land who are familiar with the area.

New evidence, particularly that provided by the Beverly and Qamanirjuaq Caribou Management Board, confirms and enhances evidence from the previous UR Energy Screech Lake environmental assessment that

- The southern portion of the Thelon geologic basin is an important migration corridor for both the Beverly and Ahiak caribou herds
- The Crab 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

Cumulative effects on caribou were an important consideration in the Review Board’s deliberations for this environmental assessment. The Review Board considered previously available information on cumulative effects on the Beverly or Ahiak herds from industrial development in the Thelon geologic basin made available during the UR Energy Screech Lake environmental assessment, alongside new evidence.

The Beverly and Qamanirjuaq Caribou Management Board and the Government of the Northwest Territories provided evidence supporting their positions that the Beverly and Ahiak herds, and barren ground caribou in general, are facing increased cumulative

habitat and disturbance effects primarily from exploration activities. This is especially a concern because barren ground caribou population numbers are strongly suspected to be in decline across their ranges.

The Review Board finds that the concerns of Aboriginal peoples, the Government of the Northwest Territories and the Beverly and Qamanirjuaq Caribou Management Board are justified, about both project-specific impacts on caribou and the cumulative impacts of this development in combination with reasonably foreseeable future developments on Beverly and Ahiak caribou across their ranges. The Review Board further notes that there is adequate evidence to suggest the Beverly and Ahiak caribou herds are both declining in population, making them increasingly vulnerable to any additional disturbance and habitat loss.

The Review Board also notes that barren ground caribou are a vital valued component not only from a biophysical, ecosystem perspective, but also because they are inextricably linked to the cultural, social, and economic systems of Aboriginal peoples. The Review Board agrees with the Beverly and Qamanirjuaq Caribou Management Board that decline in the Beverly and Ahiak herds, in combination with ongoing likely decreases in other herds, could lead to *“genuine hardship for people who rely on caribou harvests both for food and as a vital part of their cultures, including the Akaitcho, the Athabasca Denesuline and the Northwest Territory Metis Nation”* (PR#44).

The Review Board accepts that many of the recommendations made by both the Beverly and Qamanirjuaq Caribou Management Board and the Government of the Northwest Territories are required to minimize or avoid likely significant adverse impacts on barren ground caribou. Bayswater did make proactive efforts to adopt some of the recommendations made by other parties early in the environmental assessment. The 14 commitments to mitigate impacts on caribou made by the developer (see Table 1) were fundamental in shaping the Review Board’s determination of the significance and likelihood of the Crab Lake development’s impacts upon barren ground caribou. The Review Board’s decision and mitigation measures have been made on the assumption that the developer will fulfill all its commitments. The failure to do so would alter the Review Board’s determination that the mitigation measures recommended below will reduce impacts on caribou below the level of significance.

While the Review Board finds that some of the mitigation commitments made by the developer would help to reduce or avoid these likely significant impacts on caribou, it also finds they are not sufficient to fully mitigate them. For example, several best management recommendations from parties were not adopted by the developer. In particular, the developer did not commit to shutting down operations during the vital spring migration period, as recommended by both the Beverly and Qamanirjuaq Caribou Management Board and the Government of the Northwest Territories. Bayswater had no response to a variety of the recommendations forwarded by these two parties, leaving important gaps in the commitments made by the developer.

In particular, while Commitment #9 requires the suspension of aircraft overflights below 300 metres whenever cows and calves are present, it is unclear whether the developer intended to include airborne geophysical surveys in this commitment or how the developer would establish whether cows and calves are present prior to the conduct of aircraft overflights. The Review Board notes that the Beverly and Qamanirjuaq Caribou Management Board and the Government of the Northwest Territories raised credible concerns that airborne geophysical surveys can have adverse disturbance impacts on caribou. The Government of the Northwest Territories (PR#2) recommended that *“airborne geophysical surveys should not be conducted over cow/calf groups at any time of the year or over bulls during the rutting period and immediate post-rut period”*.

The Review Board finds that concerns about likely impacts on caribou from aircraft overflights are valid. These effects therefore require additional mitigation in order to prevent significant impacts on caribou. In the case of airborne geophysical surveys, the Review Board notes that the time frame during the proposed Crab Lake annual work period where caribou (in particular the vulnerable pregnant cows or cow/calve groups) are least likely to be encountered is between June 1 and July 15. The Review Board considers restricting airborne geophysical surveys to this time period to be one option for mitigating these impacts. This option may be more practical than requiring aerial or ground reconnaissance to look for caribou prior to an airborne geophysical survey. However, the Review Board recognizes that some flexibility may be necessary in implementing a measure to meet the underlying goal of avoiding disturbance to vulnerable caribou from airborne geophysical surveys. This need for flexibility is reflected in the Review Board’s measure in relation to airborne geophysical surveys.

Overall, based on the public record, the Review Board finds that the Bayswater Crab Lake mineral exploration project, alone and in combination with other past, present and reasonably foreseeable developments, is likely have a significant adverse impact on barren ground caribou. The project-specific impacts attributable to the Crab Lake development must therefore be mitigated through the following measures, in combination with the implementation of all the commitments made by Bayswater, if the development is to proceed. These mitigation measures will minimize the potential impacts on caribou by implementing good management practices against site-level caribou disturbance and habitat disruption. They will also minimize the contribution of the Crab Lake development to ongoing and potential future cumulative impacts on the Beverly and Ahiak herds.

Measure #1:

The responsible ministers and applicable regulatory agencies shall ensure the following for the Crab Lake development:

- i. To avoid impacts on caribou the developer shall not conduct any activities at its proposed drilling targets or any ground-based or airborne geophysical survey activities during the following time periods:**
 - o Mid-March to the end of May, to avoid disturbance to pregnant cows migrating to calving grounds; and**

- **The month of October, to avoid disturbance during the rutting period.**
- ii. To avoid disturbance on caribou during periods when they are migrating, the developer shall not conduct:**
- **Any drilling within 10 kilometres of recognized water crossings⁸ between July 15 and the end of September.**
 - **Operations (including drilling, any aircraft overflights below 300 metres, and vehicle use outside of the immediate camp area) when concentrations of caribou (>50 animals) are within 500 metres of drilling operations/sites. A spotter on the drill tower and marker flags in a 500 metre perimeter shall be used to assist in identifying caribou encroachment.**

Measure #2:

To avoid disturbance of caribou, the responsible ministers and applicable regulatory agencies shall ensure that one of the following restrictions are placed on any airborne geophysical surveys in support of the Crab Lake development:

- i. Airborne geophysical surveys will be limited only to the June 1-July 15 period; or**
- ii. Airborne geophysical surveys will be conducted entirely at a minimum of 300 metres above ground level; or**
- iii. Airborne geophysical surveys will only be conducted after a same day aerial or ground survey, including the community environmental monitor (See Measure #3), has confirmed there are no cow/calve groups (>50 animals) within five kilometres of the proposed survey grid.**

Measure #3:

The responsible ministers and applicable regulatory agencies shall require the developer to have at least one community environmental monitor on site at all times during development activities. Community environmental monitors will at minimum assist with the following:

- i. Conduct of regular on the ground surveys both prior to start up and during activities;**
- ii. Receipt and cataloguing of reports from aerial overflights (see Commitment #12) of the project area(s); and**
- iii. Monitoring the presence of caribou near the development activities as required in Measure #1.**

⁸ For clarification, a “recognized water crossing” is one identified and mapped by the Department of Environment and Natural Resources of the Government of the Northwest Territories or by the Beverly and Qamanirjuaq Caribou Management Board. The Review Board recommends these organizations provide available information to the developer well in advance of any on the ground activities in support of the Crab Lake development.

The developer will make the reports of the community environmental monitors available to land use inspectors and the Mackenzie Valley Land and Water Board.

In addition to these required mitigation measures, the Review Board agrees with concerns raised by parties about the current status of cumulative effects assessment on barren ground caribou inhabiting the Thelon geologic basin. The Treaty #8 Tribal Corporation pointed out that “*watershed boundaries do not delimit caribou use*” (PR#136), in arguing that range-wide cumulative effects assessment of caribou occur in support of the *Upper Thelon Land and Resource Management Plan*, not only assessment of cumulative effects inside the Upper Thelon River Basin.

The Review Board notes that Indian and Northern Affairs Canada has previously committed to funding a cumulative effects study in the general region (as described in PR#115). This study was proposed for the portion of the Thelon geologic basin inside the Northwest Territories (not including the Thelon Game Sanctuary). This cumulative effects study aims to incorporate data on traditional land use, grazing/calving/migration use by Beverly caribou and the nature and footprint of uranium exploration activities. However, the Review Board notes that no indication of progress towards getting the proposed cumulative effects study off the ground has been provided during this environmental assessment proceeding, despite the fact discussions between Indian and Northern Affairs Canada and the Akaitcho began in April 2006. The Review Board encourages all parties to make diligent efforts to move these important cumulative effects studies forward in a timely fashion, and to take a “valued component” focused perspective that examines range-wide cumulative effects for caribou rather than use an artificially defined geographic scope.

In addition, the Review Board is of the view that the evidence on the public record for this environmental assessment makes it clear that both the Beverly and Ahiak caribou herds merit consideration in any effective cumulative effects study on caribou.

To promote more effective information gathering for both project-specific and cumulative effects assessment on barren ground caribou in the region of interest, the Review Board makes the following suggestions:

Suggestion #1:

The developer should provide the Government of the Northwest Territories’ South Slave Regional Biologist with records of any wildlife sightings made during the duration of its programs, including information on location (with Global Positioning System coordinates if possible), number and reaction of the wildlife to overflights or other project activity (if applicable).

Suggestion #2:

Cumulative effects studies or other studies on barren ground caribou in support of the proposed *Upper Thelon Land and Resource Management Plan* should include range-wide assessment of the population and health of the Beverly and Ahik caribou herds and consolidate efforts and resources where possible with other ongoing cumulative effects studies.

6 Assessment of Cultural Impacts

6.1 Introduction

The *Mackenzie Valley Resource Management Act* includes in its definition of ‘impact on the environment’, any effect on the social or cultural environment or on heritage resources. Comprehensive environmental impact assessment therefore requires the examination of both the tangible (e.g., heritage resources) and intangible (e.g., spiritual values) associated with a place.

Given the location of the proposed Crab Lake development in the Dubawnt River watershed, outside the “core” Akaitcho Dene cultural areas that include Thaydene Nene and the Upper Thelon River Basin⁹, the Review Board did not consider in its deliberations on this environmental assessment evidence of cultural impacts of development *within* the Upper Thelon River Basin.

Discussion of potential cultural impacts associated with the proposed Crab Lake development follows this general outline:

- 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, including heritage resources.

6.2 Bayswater’s Submissions

In its development applications (PR#1), Bayswater noted that the proposed work area has a long history of use by both Aboriginal and non-Aboriginal peoples, but that very little archaeological work had been done in the area.

Concerns about the potential for impacts on heritage resources were first expressed during preliminary screening of this development. The Mackenzie Valley Land and Water Board requested an archaeological database search to identify and avoid any potential archaeological conflicts in the area. In response, the developer contacted the Prince of Wales Northern Heritage Centre and reported that “*there are no known archaeological sites within 10km of our proposed camp site and fuel cache*” (PR#2).

In relation to tangible heritage resource protection, Bayswater committed only to the following during the environmental assessment (PR#1, identified herein as Commitment #15 made by the developer):

⁹ For more information on the location and cultural importance of these “core” cultural areas, see the UR Energy Screech Lake *Report of Environmental Assessment* or the *Report of Environmental Assessment* for any of the following projects: EA0708-002 (Uravan South Boomerang Lake), EA0708-003 (Uravan North Boomerang Lake), or EA0708-004 (Bayswater El Lake), available at mveirb.nt.ca.

Bayswater will take note of any archaeological sites found during its exploration activities, and notify the Northern Heritage Centre in Yellowknife of any sites noted. No artifacts will be removed from these sites.

Bayswater countered concerns raised about impacts on cultural and spiritual values associated with the Upper Thelon River Basin by noting in their *Project Description Summary* (PR#26) that the entire area covered by the Crab Lake application is within the Dubawnt River watershed, located east of the Upper Thelon River Basin.

6.3 Parties' Submissions

Both the Government of the Northwest Territories (PR#2, 132) and the Treaty #8 Tribal Corporation (PR#136) identified cultural/heritage resource concerns related to the proposed Crab Lake development, and provided recommendations for impact minimization in relation to heritage resources.

The Government of the Northwest Territories was concerned that the proposed exploration activities would impact areas with high potential for unrecorded archaeological sites. It noted that although no archaeologist has ever conducted a detailed inspection of the area, "*our analysis of the regional archaeological record of the southern Thelon Basin indicates a high probability for the presence of unrecorded heritage resources*" (PR#132). The Government of the Northwest Territories thus recommended the following two measures to reduce the risk of impact to heritage resources from the Crab Lake project (PR#132):

- *The project proponent must hire an archaeologist to conduct a heritage resource impact assessment (HRIA) of all areas of potential ground disturbance – including drill sites, camp locations, and access routes – associated with their project before the commencement of development activities.*
- *The project proponent must avoid all heritage resources by a minimum of 100 m during land use operations.*

While noting that Crab Lake is removed spatially from the core area of Akaitcho Dene cultural importance, namely the Thelon River valley, and that "*this may have implications with regard to potential impacts, especially cultural ones*" (PR#41), the Treaty #8 Tribal Corporation remained concerned about impacts on heritage resources in the Dubawnt River watershed (PR#136):

...The activities' proximity to Beaverhill Lake, the Clarke River, and the Mosquito Lake/Mary Lake/Mantic Lake system is of concern. These areas were all used extensively by ancestral Denesoline¹⁰, and Beaverhill Lake itself has sustained much more recent use. Prince of Wales Northern Heritage Centre databases indicate a substantial concentration of archaeological sites immediately to the south of the proposed drill sites and camp for

¹⁰ Readers are reminded that the term "Denesoline" is used throughout this report as defined previously in footnote #3, meaning the Chipewyan-speaking Dene, including the Akaitcho Dene and the Athabasca Denesuline, as identified by parties to this environmental assessment.

this project (Sid Lake to Mantic Lake). There can be no question that were archaeological surveys to be conducted in the immediate vicinity of the proposed camp and drill sites, similar concentrations of sites would be found. As often repeated by many Akaitcho Dene, you cannot sit down anywhere in this region without sitting on archaeological evidence. The integrity of the heritage resources in the region are of paramount importance to the Akaitcho Dene. These resources are the living history of the Denesoline, and represent the strong cultural and spiritual tie that the Akaitcho Dene have to this milieu. These heritage resources require the highest protection.

The Treaty #8 Tribal Corporation recommended the Review Board ensure archaeological resources in the region are quantified and qualified by accredited archaeologists and Denesoline elders prior to any consideration of permit issuance in the area (PR#136).

The Treaty #8 Tribal Corporation also suggested that the Athabasca Denesuline would be “highly likely” to value the proposed area more highly from a cultural perspective than the Akaitcho Dene. The Athabasca Denesuline provided no evidence to this effect during the environmental assessment. No other Aboriginal parties provided any specific evidence of the cultural and spiritual value associated with the Dubawnt River watershed.

6.4 Review Board’s Analysis and Conclusions

In its deliberations on cultural impacts for this environmental assessment, the Review Board has two different sets of findings. First of all, the Review Board has found no evidence to support the contention that activities in the Dubawnt River watershed will have similar significant adverse impacts on Denesoline culture as activities in the Upper Thelon River Basin. While the Treaty #8 Tribal Corporation made an assertion that the Dubawnt River watershed may be an important cultural landscape for the Athabasca Denesuline, the Athabasca Denesuline provided no evidence to support this contention.

In addition, the Review Board notes that the Dubawnt River watershed is outside the core cultural areas identified by the Akaitcho Dene, in particular the Thaydene Nene area which is entirely to the west of the Crab Lake proposed development. The Treaty #8 Tribal Corporation noted in its submissions that the Dubawnt River watershed is not part of the core cultural area for the Akaitcho Dene. There is no evidence on the public record that the Dubawnt River watershed is a cultural landscape of such high spiritual significance that the proposed activities will adversely impact on the culture of the Denesoline peoples by their presence alone.

The Review Board therefore finds it unlikely the Crab Lake proposed development will have a cultural impact on Aboriginal people related to the disruption of the location’s spiritual value.

Secondly, the Review Board finds that the Crab Lake development, as proposed, is likely to cause significant adverse impacts on heritage resources in the Dubawnt River watershed, based on the following evidence.

The Review Board notes the developer did not conduct an “on the ground” pre-development heritage resources impact assessment. Bayswater instead relied entirely upon the site-specific evidence from the Government of the Northwest Territories’ existing archaeological database. This, despite the fact the Prince of Wales Northern Heritage Centre noted that no archaeological work has ever been done in the specific project area. Therefore, the assertion by the developer that there are no *known* archaeological resources within 10 kilometres of its proposed activities is not of assistance to the Review Board. The Review Board therefore finds that additional effort is required to ensure that the potential effects of the Crab Lake development on heritage resources are mitigated.

In the absence of any recorded archaeological studies in the specific project area, the opinions of people who frequent the general area and those organizations who are legally responsible for assessing the potential for heritage resources must be heavily weighted. The Review Board notes that both the Government of the Northwest Territories and Aboriginal groups that use the area assert that the project area specifically and the Dubawnt River watershed in general have a high potential for unrecorded heritage resources. The Prince of Wales Northern Heritage Centre made these assertions based on its professional opinion derived from analysis of a database of archaeological surveys in the vicinity of the proposed development. The Akaitcho Dene made these assertions based on the personal experiences of its members and traditional knowledge about the area and its surroundings.

In the Review Board’s opinion, these two sets of opinions provide credible evidence of a high probability there is a significant amount of heritage resources located within the proposed Crab Lake development area. The fact that these heritage resources have not yet been located only increases the probability that they will be disturbed by project-related activities unless proper mitigation measures are put in place and an effective heritage resource impact assessment occurs prior to the development proceeding.

The Review Board also notes that the area is one of probable cultural importance to the Denesoline people. Despite the fact that it is outside the “core” cultural areas of the Akaitcho Dene, the Akaitcho Dene professed an attachment to the Dubawnt watershed based on prior use by ancestors as well as current use. Disturbance to heritage resources in an area widely used by ancestral Denesoline would be a cultural impact and must be treated very seriously.

The Review Board agrees that the concerns of both the Government of the Northwest Territories and the Treaty #8 Tribal Corporation must be mitigated if likely significant adverse impacts on heritage resources are to be avoided. The Review Board finds that the developer has not committed to adequate baseline information gathering or to effective preventative heritage resource protections in its development plan. The developer’s single Commitment #15 does not provide enough mitigation to prevent or avoid likely significant impacts on heritage resources. Therefore, the Review Board recommends implementing the following measure to ensure that prior to any development occurring,

important heritage resources likely to be found in the vicinity of the proposed development are identified and adequately protected. These heritage resources could be damaged or lost if they are not proactively sought out in advance of the proposed development.

Measure #4:

The responsible ministers and applicable regulatory agencies shall ensure the following protections are implemented to safeguard heritage resources that may be impacted by Bayswater Uranium Corporation's Crab Lake development:

- i. Bayswater Uranium Corporation shall conduct a heritage resource impact assessment of all proposed development areas (including drilling target sites, the proposed work camp and any ground access routes or surface sampling locations) and provide a report to the Mackenzie Valley Land and Water Board and the Prince of Wales Northern Heritage Centre prior to on-land operations at any location proceeding. The archaeologist conducting the heritage resource impact assessment shall seek input from respected elders of affected first nations.**
- ii. No part of the proposed development shall occur within 100 metres of any known or suspected archaeological, burial or cultural site.**
- iii. If a suspected archaeological, burial or cultural site is identified during operations, a 100 metre buffer zone shall be established, the location photographed, the location coordinates logged, and the Prince of Wales Northern Heritage Centre and affected first nations notified.**

The Review Board further notes that although the proposed development is fully outside of the Upper Thelon River Basin, it falls within the geographic area Indian and Northern Affairs Canada has identified as requiring further study in its proposed *Upper Thelon Land and Resource Management Plan*. The stated long-term goal for this plan is to “develop a land and resource management plan for the Thelon geologic basin that adequately balances the various interests of all parties and guides development in the region” (PR#25). Indian and Northern Affairs Canada suggested the required studies to support this management plan will include geologic studies, environmental studies, and cultural/traditional knowledge studies. Indian and Northern Affairs Canada also suggested that in the immediate future (the next two to three years) the study area be focused on that portion of the Thelon geologic basin that lies within the Thelon watershed, “as this is the area of overlapping and conflicting interests among parties”.

The Review Board notes that the Crab Lake proposed development is within both the Thelon geologic basin and the “Thelon watershed” – the Dubawnt River watershed drains into the Lower Thelon River Basin (as noted by Indian and Northern Affairs Canada in PR#43). There is evidence on the public record for this environmental assessment that information important to making management decisions is limited for the Dubawnt watershed as well as the Upper Thelon River Basin. There are information gaps related to both the biophysical environment (particularly potential impacts on barren ground

caribou) and cultural valuation of the area (particularly but not limited to the location and categorization of likely heritage resources).

Finally, several parties identified that the boundaries between the Upper Thelon River Basin and the Dubawnt River watershed may not be the defining line between the area that requires further study and the area “open for business” now. Some parties referred to the “entire Thelon Basin” or “entire Thelon area” as requiring consideration during land use planning exercises. Assertions by the Akaitcho Dene that the Dubawnt River watershed is highly likely to have strong spiritual significance to the Athabasca Denesuline merit further discussion between the parties to the proposed *Upper Thelon Land and Resource Management Plan*.

In the Review Board’s opinion, further clarification of the geographic boundaries required for studies in support of the *Upper Thelon Land and Resource Management Plan*, as well as the scope of issues to be focused on, should be a priority moving forward for all parties.

In Indian and Northern Affairs Canada’s open letter of December 7, 2007 introducing this proposed planning process (PR#25), the Review Board was invited to participate in future discussions to finalize the scope of the environmental and cultural/traditional knowledge studies in support of the *Upper Thelon Land and Resource Management Plan*. With this in mind, the Review Board suggests the following:

Suggestion #3:

Cultural/traditional knowledge studies in support of the proposed *Upper Thelon Land and Resource Management Plan* should be conducted not only in the Upper Thelon River Basin, but also in that portion of the Dubawnt River watershed that is underlain by the Thelon geologic basin. Further dialogue with the Athabasca Denesuline about the cultural importance of the Dubawnt River watershed should be a part of this planning process.

7 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 Crab Lake mineral exploration project. These conclusions are predicated on the assumption that the developer will fulfill all commitments it made during the course of the environmental assessment, including those labelled Commitments #1-15 in this *Report of Environmental Assessment*.

First of all, the Review Board finds the development as proposed would be likely to cause project-specific significant adverse impacts on barren ground caribou as well as contribute to significant adverse cumulative effects on the Beverly and Ahiak caribou herds. However, these likely significant adverse impacts can be minimized by the imposition of all of the developer's commitments and the three mitigation measures recommended by the Review Board.

Secondly, the Review Board finds the development as proposed would be likely to cause significant adverse impacts on heritage resources in the Dubawnt River watershed. However, these likely significant adverse impacts can be minimized by the imposition of the developer's commitment and the mitigation measure recommended by the Review Board.

The Review Board also provided suggestions related to more effective site-specific caribou sighting documentation, cumulative effects assessment on caribou, and cultural/traditional knowledge studies in support of more effective future land use management decisions throughout the Thelon geologic basin.

Appendix A: Summary of Measures and Suggestions

Measure #1:

The responsible ministers and applicable regulatory agencies shall ensure the following for the Crab Lake development:

- i. To avoid impacts on caribou the developer shall not conduct any activities at its proposed drilling targets or any ground-based or airborne geophysical survey activities during the following time periods:**
 - a. Mid-March to the end of May, to avoid disturbance to pregnant cows migrating to calving grounds; and**
 - b. The month of October, to avoid disturbance during the rutting period.**
- ii. To avoid disturbance on caribou during periods when they are migrating, the developer shall not conduct:**
 - a. Any drilling within 10 kilometres of recognized water crossings¹¹ between July 15 and the end of September.**
 - b. Operations (including drilling, any aircraft overflights below 300 metres, and vehicle use outside of the immediate camp area) when concentrations of caribou (>50 animals) are within 500 metres of drilling operations/sites. A spotter on the drill tower and marker flags in a 500 metre perimeter shall be used to assist in identifying caribou encroachment.**

Measure #2:

To avoid disturbance of caribou, the responsible ministers and applicable regulatory agencies shall ensure that one of the following restrictions are placed on any airborne geophysical surveys in support of the Crab Lake development:

- i. Airborne geophysical surveys will be limited only to the June 1-July 15 period; or**
- ii. Airborne geophysical surveys will be conducted entirely at a minimum of 300 metres above ground level; or**
- iii. Airborne geophysical surveys will only be conducted after a same day aerial or ground survey, including the community environmental monitor (See Measure #3), has confirmed there are no cow/calve groups (>50 animals) within five kilometres of the proposed survey grid.**

¹¹ For clarification, a “recognized water crossing” is one identified and mapped by the Department of Environment and Natural Resources of the Government of the Northwest Territories or by the Beverly and Qamanirjuaq Caribou Management Board. The Review Board recommends these organizations provide available information to the developer well in advance of any on the ground activities in support of the Crab Lake development.

Measure #3:

The responsible ministers and applicable regulatory agencies shall require the developer to have at least one community environmental monitor on site at all times during development activities. Community environmental monitors will at minimum assist with the following:

- i. Conduct of regular on the ground surveys both prior to start up and during activities;**
- ii. Receipt and cataloguing of reports from aerial overflights (see Commitment #12) of the project area(s); and**
- iii. Monitoring the presence of caribou near the development activities as required in Measure #1.**

The developer will make the reports of the community environmental monitors available to land use inspectors and the Mackenzie Valley Land and Water Board.

Measure #4:

The responsible ministers and applicable regulatory agencies shall ensure the following protections are implemented to safeguard heritage resources that may be impacted by Bayswater Uranium Corporation's Crab Lake development:

- i. Bayswater Uranium Corporation shall conduct a heritage resource impact assessment of all proposed development areas (including drilling target sites, the proposed work camp and any ground access routes or surface sampling locations) and provide a report to the Mackenzie Valley Land and Water Board and the Prince of Wales Northern Heritage Centre prior to on-land operations at any location proceeding. The archaeologist conducting the heritage resource impact assessment shall seek input from respected elders of affected first nations.**
- ii. No part of the proposed development shall occur within 100 metres of any known or suspected archaeological, burial or cultural site.**
- iii. If a suspected archaeological, burial or cultural site is identified during operations, a 100 metre buffer zone shall be established, the location photographed, the location coordinates logged, and the Prince of Wales Northern Heritage Centre and affected first nations notified.**

Suggestion #1:

The developer should provide the Government of the Northwest Territories' South Slave Regional Biologist with records of any wildlife sightings made during the duration of its programs, including information on location (with Global Positioning System coordinates if possible), number and reaction of the wildlife to overflights or other project activity (if applicable).

Suggestion #2:

Cumulative effects studies or other studies on barren ground caribou in support of the proposed *Upper Thelon Land and Resource Management Plan* should include range-wide assessment of the population and health of the Beverly and Ahiak caribou herds and consolidate efforts and resources where possible with other ongoing cumulative effects studies.

Suggestion #3:

Cultural/traditional knowledge studies in support of the proposed *Upper Thelon Land and Resource Management Plan* should be conducted not only in the Upper Thelon River Basin, but also in that portion of the Dubawnt River watershed that is underlain by the Thelon geologic basin. Further dialogue with the Athabasca Denesuline about the cultural importance of the Dubawnt River watershed should be a part of this planning process.

Appendix B: Public Registry Index¹²

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 Association
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

¹² Note: Documents 53 to 129 (identified in italics below) were transferred from EA0607-003, UR Energy's Screech Lake Uranium Exploration Project.

Registry Item #	Document Description	Date Filed	Originator
1	Crab Lake LUP Camp and Fuel Cache NTS 65L,M	29-Mar-07	Bayswater
2	Additional Application Materials- Mineral Exploration-Crab Lake	11-Apr-07	MVLWB and various groups
3	Staff Report on MV2007C009 (New Type A LUP)	10-Aug-07	MVLWB
4	Referral to Assessment File MV2007C009	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 Corporation - comments on Thelon Basin EAs	24-Oct-07	Treaty #8 Tribal Corporation
10	Canoe Arctic comments on Uranium EAs	19-Oct-07	Canoe Arctic
11	NWT Metis Nation comments on Thelon EAs	30-Oct-07	NWTMN
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	Comments from Bayswater on Conduct of EAs	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, Crab 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 Crab Lake (EA0708-005)	11-Jan-08	Bayswater
27	Draft Workplan for Crab Lake Bayswater Uranium Corp	8-Jan-08	MVEIRB
28	Athabasca comments on draft work plan Crab Lake	17-Jan-08	ADNT
29	Draft work plan information meeting / teleconference for Thelon EAs	05-Feb-08	MVEIRB
30	Audio of work plan 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 Crab and El Lake	30- Jan-08	FRMC
35	Treaty #8 Tribal Corporation - 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 4 Thelons applications October 2007	24-Oct-07	WWF
39	Evidence Transfer and Scoping Questions Crab Lake	19-Mar-08	MVEIRB
40	Canoe Arctic Responses- Evidence Transfer and Scoping	08-Apr-08	Canoe Arctic
41	Treaty #8 Tribal Corporation Evidence Transfer Response	31-Mar-08	Treaty #8 Tribal Corporation
42	Athabasca Denesuline 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	Treaty #8 Tribal Corp.
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 Schreech Lake 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</i>	06-May-08	BQCMB
67	<i>Attachment to BQCMB submission to preliminary screening.</i>	06-May-08	BQCMB
68	<i>The workplan for EA0607-003 UR Energy environmental assessment.</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	Information requests issued based on submissions from parties and the Review Boards own information needs.	06-May-08	MVEIRB
72	Minutes of meeting between Łutsël K'e First Nation and UR Energy June 7, 2006.	06-May-08	LKFN
73	Letter from NWT Treaty #8 Tribal Corporation to INAC regarding crown consultation in connection with the proposed UR Energy mineral exploration development.	06-May-08	Treaty #8 Tribal Corporation
74	Memorandum of Understanding between the Łutsël K'e Dene First Nation and the Parks Canada Agency on National Park at the East Arm of Great Slave Lake.	06-May-08	LKFN
75	Environment Canada's response to IR0607-003-01 in regards to noise impacts. IR originally directed to GNWT.	06-May-08	Environment Canada
76	Response to information request IR0607-003-1 from the GNWT.	06-May-08	GNWT
77	Response to information request IR0607-003-3 from the GNWT	06-May-08	GNWT
78	Response to information request IR0607-003-11 from the GNWT	06-May-08	GNWT
79	Response to information request IR0607-003-13 from the GNWT	06-May-08	GNWT
80	Response from WWF to IR0607-003-4 on special values of the project area.	06-May-08	WWF
81	Response to IR0607-003-4 regarding special values of the project area from LKFN	06-May-08	LKFN
82	INAC's response to IR0607-003-2 on industrial developments and cumulative effects in the Thelon area.	06-May-08	INAC
83	Submission to previous EA of this project (EA0506-003) by Athabasca Denesuline. This submission was transferred after the scoping phase of the EA concluded.	06-May-08	ADNT
84	Athabasca Denesuline have written requesting party status for the UR Energy EA. They also express concern they have not been informed about the EA.	06-May-08	ADNT
85	Jim Storey of The Great Canadian Adventure Company expresses concern over development in the Thelon area	06-May-08	Jim Storey
86	The developer's response to information requests IR0607-003-5,6,7,8,9,10,12	06-May-08	Developer
87	Presentation by WWF at the community hearing in Łutsël K'e January 16 and 17, 2007	06-May-08	WWF
88	Written submission from the Baker Lake Hunters and Trappers Organization to the Review Board.	06-May-08	Baker Lake HTO
89	Presentation by Deninu Kue First Nations at the community hearing in Łutsëlk'e January 16-17, 2007	06-May-08	DKFN
90	Presentation by Łutsëlk'e Dene First Nation at the community hearing in Łutsëlk'e January 16 and 17, 2007	06-MY-08	LKFN
91	Presentation by Treat 8 at the community hearing in Łutsëlk'e January 16 and 17, 2007	06-May-08	Treaty #8 Tribal Corporation
92	Presentation by BQCMB at the community hearing in Łutsëlk'e January 16 and 17, 2007	06-May-08	BQCMB
93	Map-spring Range of Beverly Caribou-concentration areas and primary movement Corridors between 1955-1993	06-May-08	BQCMB
94	Map-Late summer Range of Beverly Caribou between 1957 and 1981	06-May-08	BQCMB

95	Map-Range used during Fall Migration and Rut by Beverly Caribou between 1957 and 1983	06-May-08	BQCMB
96	Map collared cows from the Ahiak and Beverly Caribou Herds(1995-2006)	06-May-08	BQCMB
97	Map collared cows from the Ahiak and Beverly Caribou Herds(1995-2006)	06-May 08	BQCMB
98	Map collared cows from the Ahiak and Beverly Caribou Herds(1995-2006)	06-May 08	BQCMB
99	Map-Water and Ice Crossing used by Beverly Caribou in the Western Northwest Territories	06-May 08	BQCMB
100	Map-The range-wide context: Beverly and Qamanirjuaq Caribou Range (1940-1995)	06-May 08	BQCMB
101	Map-Thelon Basin-Potential Uranium Deposits	06-May 08	BQCMB
102	Map-South Thelon Basin Mineral Claims	06-May 08	BQCMB
103	Map-Companies with Mineral Rights in the calving Grounds of the Beverly and Qamanirjuaq Caribou Herd-Sept 2006	06-May 08	BQCMB
104	Additional information submitted by BQCMB to the Review Board for cumulative effects on caribou	06-May 08	BQCMB
105	Letters of public concern	07-May-08	Various public
106	Map-A Thaydene Nene	07-May-08	NWT Treaty 8
107	Presentation by Canoe Arctic Inc. at the community hearing in Łutsëlk'e January 16 and 17, 2007	07-May-08	Canoe Arctic, Alex Hall
108	Newsletter published by INAC-winter 2006-"Akaitcho Interim Land withdrawals: making space to negotiate	07-May-08	WWF
109	Bulletin from BQCMB: "Protecting Beverly and Qamanirjuaq Caribou for all time"	07-May-08	BQCMB
110	Public opinions on development in the Thelon Area	07-May-08	Various public
111	Recommendations from the BQCMB and the GNWT after in response to developer's post-hearing commitments	07-May-08	BQCMB
112	Recommendations by Environment Canada in event Screech Lake will be carried out during summer months.	07-May-08	Environment Canada
113	Letter from John Tosney, AREVA Resources Inc..	07-May-08	AREVA Inc
114	Letter from UR Energy-February 07 submission (Golder Associates)	07-May-08	UR Energy
115	IR responses from INAC submitted after the hearing	07-May-08	INAC
116	UR Energy- Report on Environmental Assessment and Reasons for Decision	07-May-08	MVEIRB
117	PDAC letter disagreeing with the decision of the Board	07-May-08	PDAC
118	Letter from LKDFN to all applications for mineral exploration in the Thelon Basin.	07-May-08	LKFN
119	UR Energy letter of concern to Minister of INAC	07-May-08	UR Energy
120	Letter to Minister from WWF re: PDAC letter to Minister	07-May-08	WWF
121	Letter to Minister from North Arrow Minerals Inc.	07-May-08	North Arrow Minerals Inc.
122	Treaty 8 letter to Minister re: Board decision	07-May-08	Treaty 8
123	StrongBow letter to Minister re Board decision	07-May-08	StrongBow
124	Łutsëlk'e Letter to Minister June 07	07-May-08	LKFN
125	CPAWS letter to Minister June 07	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	Submission by Alex Hall regarding Uranium Exploration in the Thelon River system	22-May-08	Canoe Arctic
131	INAC response to Request for Further Submissions	23-May-08	INAC
132	Response to Further Submissions Request for Thelon EAs	23-May-08	GNWT
133	Request for extension to Further Submissions due May 23,2008	22-May-08	Joe Murdock for LKFN
134	Extension to Further submissions deadline May 23, 2008	23-May-08	MVEIRB
135	BQCMB comments regarding EA0708-005 Crab Lake, Bayswater Uranium Corp	23-May-08	BQCMB
136	Treaty #8 Tribal Corporation comments regarding submissions on Bayswater and Uravan EAs	23-May -08	Treaty #8 Tribal Corp.
137	WWF letter regarding Upper Thelon land use stated as the same as UR Energy issues.	3-June-08	WWF
138	Letter from YKDFN regarding Bayswater and Uravan EAs	6-June -08	YKDFN
139	Comments from BQCMB to NIRB re: caribou and Garry Lake Project proposed by Uranium North	18-June -08	BQCMB
140	LKFN submission on Bayswater and Uravan Project EA0708-002,EA0708-003, EA0708-004, EA0708-005	30-May-08	LKFN
141	Public Record Closed – Note to File	26-June-08	MVEIRB