



STAFF REPORT

Company: New Nadina Explorations Limited	
Location: Lac de Gras, NT	Application: W2011C0004
Date Prepared: September 4, 2012	Meeting Date: September 5, 2012
Subject: Type 'A' Land Use Permit Application – mineral exploration program	

Purpose/Report Summary

The purpose of this report is to present to the Wek'èezhì Land and Water Board (WLWB) a Land Use Permit Application (W2011C0004) that was submitted by New Nadina Explorations Limited for a mineral exploration program consisting of geophysics, mapping, till sampling, diamond drilling, and trenching for the Monument project on the southwest shore of Lac de Gras.

Background

New Nadina previously operated under permit MV2004C0036 which commenced on September 14, 2004 and was extended until September 13, 2011.

The current application was received by the WLWB on August 9, 2011 and deemed complete on August 16, 2011. A request for review comments was sent out to various organizations on August 18, 2011. The attached Review Comment Table shows the responses that were received prior to the August 31, 2011 review deadline from Environment Canada (EC), Fisheries and Oceans Canada (DFO), Government of Northwest Territories – Environment and Natural Resources (GNWT-ENR), Prince of Wales Northern Heritage Centre (PWNHC), and Aboriginal Affairs and Northern Development Canada (AANDC). Responses from New Nadina and responses from Board staff are also shown in the table.

Mr. Stephen Ellis from the Akaitcho Screening Office phoned Board staff on September 12 to say that he had been out of the office and due to their internal email transition, the Akaitcho Screening Office was unaware of this Land Use Permit application until September 7, and that they did want to submit comments. Board staff have confirmed that on August 18 the email distribution from the WLWB's online review system was sent to Stephanie Poole and Stephen Ellis at the Screening Office, as well as to Rosy Bjornson (Deninu K'ue), Ray Griffith (Lutsel K'e), and Todd Slack (Yellowknives). Board staff requested that any comments be submitted prior to the September 20th Board meeting. Board staff followed up with phone calls and emails to Todd Slack and Stephen Ellis on September 14, 2011.

Subsequently, on September 15, a letter was received via email from Stephanie Poole from the Akaitcho Screening Office requesting that "pursuant to s. 22(2)(b) of the *Mackenzie Valley Land Use Regulations*, the

WLWB order further studies or investigations in order to ensure meaningful engagement between New Nadina and the Akaitcho Dene First Nations.” The Board agreed and ordered these further studies requesting that New Nadina and the YKDFN work towards an engagement plan or another form of engagement that would demonstrate that an appropriate level of discussion had occurred.

Discussion

Summary of Review Comments (please see the attached review comment table for details):

- EC provided comments regarding potential impacts related to drilling, waste management, migratory birds, and species at risk. New Nadina can mitigate the potential impacts by adhering to the LUP conditions, following the advice from EC, and adhering to all other relevant legislation. With regard to wildlife comments submitted by EC and ENR, Board staff provided the following general response: Board staff suggests that New Nadina work with wildlife regulators (WRRB, GNWT-ENR, Tlicho Government, Environment Canada) and Aboriginal Organizations to discuss wildlife management issues. The Board may choose to emphasize this recommendation in the Issuance Letter.
- DFO noted potential environmental impacts of the project and provided various operational statements and guidelines to mitigate such impacts. Board staff recommends that the advice provided by DFO should be followed. The Board may choose to emphasize this recommendation in the Issuance Letter.
- ENR commented on potential impacts related to caribou, species at risk, animal dens, bears, waste management, fuel storage, and contingency planning. New Nadina can mitigate the potential impacts by adhering to the LUP conditions, following the advice from ENR, and adhering to all other relevant legislation. With regard to caribou, Board staff provide the following information for the Board’s consideration:

Working group #4 has developed a multi-agency group to discuss conditions related to wildlife and wildlife habitat moving forward and currently the Board’s have been using the following condition, which has been included in the DRAFT land use permit, to address this issue: **“The Permittee shall not commence drilling or move any equipment within five hundred (500) metres of one or more caribou.”**

In addition to compliance with any Land Use Permit Conditions, Board staff encourages New Nadina to follow the advice of the ENR in order to minimize impacts on wildlife.

- PWNHC commented that previous archaeological surveys in the Lac de Gras area indicate that this area in general has a high density of archaeological sites and noted that unrecorded sites may be at risk of impact from the proposed exploration activities. PWNHC recommended that the proponent contract an archaeologist to conduct an archaeological assessment of the project area, including the kimberlite targets located on land and any other areas of anticipated ground disturbance. Conditions regarding the protection of archaeological sites have been included in the draft land use permit in Section 26(1)(j). Furthermore, Board staff agrees that the proponent should contract an archaeologist to conduct an archaeological assessment of the project area and recommend that the proponent discusses this with the PWNHC.

New Nadina’s response states that they *“Will contact Prince of Wales Northern Heritage Centre to get recommendation of assessment requirements and archaeologists to arrange for assessment in summer of 2012.”* The Board can include a statement in the issuance letter to remind New Nadina to follow through with this commitment.

- An AANDC Inspector commented that the Spill Contingency Plan must contain worst case scenarios as per AANDC Guidelines for Spill Contingency Planning. Board staff has reviewed the Spill Contingency Plan and believe 'worst-case scenarios', as required by the AANDC guidelines, are discussed within section 2 (Spill Risk Assessment) as well as in later sections of the document (Spills on Land, Spills on Water, Spills on Snow and Ice, Chemical Spills). The Inspector also provided recommended conditions for the land use permit and Board staff has incorporated these conditions into the draft permit.

Further Studies Order by the Board

The WLWB issued a directive to New Nadina on September 20, 2011 that further studies should include:

1. Engagement with the Akaitcho Dene First Nations, in particular, respecting use by members of an Akaitcho Territory Dene First Nation of the land which is subject to the application and of adjacent land and water that may be affected by the application; and
2. Engagement with other affected parties.

and that "The scope of this engagement, including an engagement plan and schedule, should be agreed upon between New Nadina and the engaged parties..."

New Nadina submitted an updated engagement record on December 30, 2011, which doesn't highlight any environmental concerns with the Project which can't be mitigated through the conditions of the DRAFT land use permit, and has since pursued an exploration agreement with the YKDFN. Todd Slack (YKDFN staff) was identified as the contact person by the Akaitcho Screening Office and has been working with New Nadina to finalize the exploration agreement. On August 30, 2012, Board staff received written confirmation that an exploration agreement has been approved by YKDFN council and that New Nadina will be working with YKDFN to arrange for the exploration agreement to be signed in person (see attached email correspondence); therefore, Board staff believes that the requirement for further studies ordered by the Board on September 20, 2011 has been satisfied.

Preliminary Screening

Part 1(2) of Schedule 1 (Section 2) of the *Exemption List Regulations* states that no Preliminary Screening is required if:

A development, or part thereof, for which renewal of a permit, licence or authorization is requested that

- (a) has not been modified; and*
- (b) has fulfilled the requirements of the environmental assessment process established by the Mackenzie Valley Resource Management Act, the Canadian Environmental Assessment Act or the Environmental Assessment Review Process Guidelines Order.*

The MVLWB conducted a Preliminary Screening on September 13, 2004, prior to the issuance of MV2004C0036. Board staff has determined that the development **has** been modified since MV2004C0036 was screened; therefore, it does not meet the exemption listed above. The screening for W2011C0004 refers only to the additional impacts that may be caused by the trenching and large-diameter RC drilling activities that were not previously screened. Impacts and mitigation measures related to other activities (use of a camp, small-diameter diamond drilling, fuel storage, winter road construction and maintenance) are addressed in the Preliminary Screening conducted for Land Use Permit MV2004C0036.

Security

A security of \$18,000 is currently being held under the previous land use permit (MV2004C0036). Board staff has run the security model on the current application and recommend that the security be increased to \$59,000. The increase is due primarily to the large quantity of fuel proposed to be stored on site.

Conclusion

All information required to evaluate this Type 'A' Land Use Permit application has been submitted to the Board, in particular, information regarding the Board's requirement for further studies. In the opinion of Board staff, the operation will not likely have impacts that cannot be effectively mitigated by the conditions in the attached Land Use Permit.

Recommendations

Board staff recommends that:

1. The Board approves the Preliminary Screening and the Preliminary Screening Reasons for Decision;
2. the Board issues a Type 'A' Land Use Permit with the attached conditions, including security of \$59,000, to New Nadina Explorations Limited for a period of five (5) years for the activities listed in the land use permit application; and
3. the Board approves the Land Use Permit Reasons for Decision.

Respectfully submitted,



Brett Wheler
Regulatory Specialist



Ryan Fequet
Regulatory Specialist



Sarah Elsasser
Regulatory Specialist



Roberta Judas
Regulatory Technician

Attachments:

- Review Comment Table
- Correspondence regarding engagement between YKDFN and New Nadina
- Draft Preliminary Screening with Reasons for Decision
- Draft Land Use Permit
- Security Worksheet
- Draft Issuance Letter
- Land Use Permit Reasons for Decision

Review Comment Table

W2011C0004 - New Nadina - Type A Land Use Permit Application - Mineral Exploration at Lac de Gras (WLWB)

Proponent:	New Nadina Explorations Limited
File(s):	W2011C0004
Document(s):	Land Use Permit Application and Supporting Documents (8513KB)
Reviewer Comments Due By:	Aug 31, 2011
Proponent Responses Due By:	Sep 7, 2011
Distribution List:	Aug 18 at 11:03 .
Contact Information:	Roberta Judas 867-713-2500 Sarah Elsasser 867-765-4583

Comment Summary

Environment Canada: Ron Bujold				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
18	General File	Comment: Cover letter.		
1	General	<p>Comment: Section 36 (#) Fisheries Act</p> <p>Recommendation: The proponent shall ensure that any chemicals, fuel or wastes associated with the proposed project do not enter waters frequented by fish. It is a requirement of Section 36(3) of the Fisheries Act that all effluent discharged into water frequented by fish be non-deleterious.</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>Addressed in draft LUP conditions related to fuel storage, waste management, and chemicals.</p> <p>Part A of the LUP reminds the Permittee of their responsibility to comply with all applicable legislation.</p>
2	General	<p>Comment: Existing permits</p> <p>Recommendation: The proponent should be in compliance with their existing permits.</p>	<p>Sep 8: Will adhere to conditions of existing permits</p>	<p>Board staff agrees.</p>

3	Drilling	<p>Comment: Artesian Flow</p> <p>Recommendation: In the event that diamond drilling will occur, the proponent should plug and seal any drill holes that encounter artesian flow and submit the depth at which artesian flow was encountered and the co-ordinates of the drill hole to the Wek'eezhii Land and Water Board.</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>Addressed in draft LUP (Section 26(1)(f)) . Please note that the immediate reporting of the artesian occurrence is to the Inspector.</p>
4	Drilling	<p>Comment: Drilling wastes</p> <p>Recommendation: EC assessed inorganic chloride salts and concluded that these salts in high concentrations are harmful to the environment. As a result, the proponent should ensure that if they use calcium chloride (CaCl₂) for drilling purposes that return water is contained in a properly constructed sump and located in such a manner as to ensure that the contents do not migrate out from the sump. Please note that the proponent should not rely on permafrost integrity to contain and isolate drilling wastes.</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>Addressed in draft LUP (Section 26(1)(g)).</p>
5	Spill contingency	<p>Comment: Drum sized spill kits.</p> <p>Recommendation: The proponent states that they have two large plastic drum-sized spill kits at the fuel cache. The proponent should insure that the secondary container used is capable of holding one hundred and ten percent (110%) of the largest fuel container at each site.</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>The containers mentioned hold the spill kits themselves. Secondary containment for fuel caches is addressed in draft LUP (Section 26(1)(m)).</p> <p>For bulk fuel storage, Board staff note that the Permittee proposes a double-walled tank, which will need to adhere to EC regulations on petroleum product storage tanks.</p> <p>The application also notes that "All fuel transfer areas will utilize instaberms for containment."</p>
6	Incineration	<p>Comment: Burning of human wastes</p> <p>Recommendation: The proponent should insure that human waste and combustible waste is burned in a device that promotes efficient combustion and reduction of emissions and is capable of meeting the emissions limits established under the Canada-wide Standards (CWS) for Dioxins and Furans and the CWS for Mercury Emissions. EC has developed a Technical Document for Batch Waste Incineration, which is available at the following web link: http://www.ec.gc.ca/gdd-</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>Use of a forced-air fuel-fired incinerator is required in the LUP (26(1)(i)).</p> <p>Board staff recommends that the proponent review EC's Technical Document for Batch Waste Incineration.</p>

		mw/default.asp?lang=En&n=5F6E5596-1. The technical document provides information on appropriate incineration technologies, best management and operational practices, monitoring and reporting.		
7	Wildlife	<p>Comment: Migratory Birds Regulations</p> <p>Recommendation: Section 6 (a) of the Migratory Birds Regulations states that no one shall disturb or destroy the nests or eggs of migratory birds. The best mitigation measure to ensure compliance is to conduct activities with a risk of disturbing or destroying nests or eggs outside of the migratory bird nesting season. High risk activities include disturbance of large amounts of habitat during the nesting season such as vegetation clearing or conducting activities in areas with large concentrations of nesting birds. In the boreal region of the Northwest Territories, the incubation period for migratory bird's ranges from May 7 until July 21, and young birds can be present in the nest until August 10. If nests containing eggs or young are encountered outside of these dates the proponent should avoid the area until nesting is complete (i.e., the young have left the vicinity of the nest).</p>	Sep 8: Will adhere to all Federal and Territorial regulations.	<p>Board staff encourages New Nadina to follow the advice provided by Environment Canada in order to ensure compliance with the <i>Migratory Birds Convention Act</i>.</p> <p>Part A of the LUP reminds the Permittee of their responsibility to comply with all applicable legislation and the LUP requires the Permittee to prevent damage to wildlife and fish habitat (26(1)(h)).</p>
8	Wildlife	<p>Comment: Migratory Birds Regulations</p> <p>Recommendation: For activities permitted to occur during the breeding season, Environment Canada recommends that the proponent confirm there are no active nests (i.e., nests containing eggs or young) in the vicinity of their operations before activities commence. If active nests of migratory birds are discovered, the proponent should halt all activities in the nesting area until nesting is completed (i.e., the young have left the vicinity of the nest).</p>	Sep 8: Will adhere to all Federal and Territorial regulations.	See above.
9	wildlife	<p>Comment: Migratory Birds Regulations</p> <p>Recommendation: Environment Canada recommends that food, domestic wastes, and petroleum-based chemicals (e.g., greases, gasoline, and glycol-based antifreeze) be made inaccessible to wildlife at all times. Such items can attract predators of migratory birds such as foxes, ravens, gulls, and bears. Although these animals may initially be attracted to the novel food sources, they often will also eat eggs and young birds in the area. These predators can have significant negative effects on the local bird populations.</p>	Sep 8: Will adhere to all Federal and Territorial regulations.	<p>Storage and disposal of garbage is addressed in draft LUP (Section 26(1)(i))</p> <p>Board staff encourages New Nadina to follow the advice provided by Environment Canada in order to ensure compliance with the <i>Migratory Birds Convention Act</i>.</p> <p>Part A of the LUP reminds the Permittee of their responsibility to comply with all applicable legislation.</p>

10	Wildlife	<p>Comment: Migratory Birds Convention Act</p> <p>Recommendation: Section 5.1 of the Migratory Birds Convention Act prohibits persons from depositing substances harmful to migratory birds in waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area.</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>Board staff encourages New Nadina to follow the advice provided by Environment Canada in order to ensure compliance with the <i>Migratory Birds Convention Act</i>.</p> <p>Part A of the LUP reminds the Permittee of their responsibility to comply with all applicable legislation and waste disposal requirements are included in the LUP conditions under 26(1)(g) and 26(1)(i).</p>
11	Wildlife	<p>Comment: Species at Risk</p> <p>Recommendation: The following comments are pursuant to the Species at Risk Act (SARA), which came into full effect on June 1, 2004. Section 79 (2) of SARA, states that during an assessment of effects of a project, the adverse effects of the project on listed wildlife species and its critical habitat must be identified, that measures are taken to avoid or lessen those effects, and that the effects need to be monitored. This section applies to all species listed on Schedule 1 of SARA. The following is a list of Species at Risk that may be found in the proponents claim area: Eskimo Curlew, listed as Endangered; Peregrine Falcon (Tundrius subspecies), Short-eared Owl, Grizzly and Wolverine are listed as Special Concern; and the Woodland Caribou (boreal population), listed as Threatened.</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>Board staff recommends that New Nadina work with wildlife regulators (WRRB, GNWT-ENR, Tłıchǫ Government, Environment Canada) and Aboriginal Organizations to develop a wildlife management plan.</p> <p>Regarding the Preliminary Screening: The screening for W2011C0004 addresses only the additional impacts expected due to trenching and large-diameter drilling, activities which were not screened for the previous permit (MV2004C0036). These activities are not expected to have additional impacts on species at risk compared to the drilling and mineral exploration activities screened under MV2004C0026.</p>
12	Wildlife	<p>Comment: Species at Risk</p> <p>Recommendation: Species at Risk that could be encountered or affected by the project should be identified and any potential adverse effects of the project to the species, its habitat, and/or its residence noted. All direct, indirect, and cumulative effects should be considered. Refer to species status reports and other information on the Species at Risk registry at www.sararegistry.gc.ca for information on specific species as well as the booklet "Species at Risk in the Northwest Territories" (2010 Edition) available at: http://www.enr.gov.nt.ca/_live/pages/wpPages/Species_at_Risk.aspx</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>See above.</p>

13	Wildlife	<p>Comment: Species at Risk</p> <p>Recommendation: If Species at Risk are encountered or affected, the primary mitigation measure should be avoidance. The proponent should avoid contact with or disturbance to each species, its habitat and/or its residence.</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>Board staff encourages New Nadina to follow the advice provided by Environment Canada in order to ensure compliance with SARA.</p> <p>Part A of the LUP reminds the Permittee of their responsibility to comply with all applicable legislation.</p>
14	Wildlife	<p>Comment: Species at Risk</p> <p>Recommendation: Monitoring should be undertaken by the proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. As a minimum, this monitoring should include recording the locations and dates of any observations of Species at Risk, behaviour or actions taken by the animals when project activities were encountered, and any actions taken by the proponent to avoid contact or disturbance to the species, its habitat, and/or its residence. This information should be submitted to the appropriate regulators and organizations with management responsibility for that species, as requested.</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>See above.</p> <p>Also, Board staff recommends that New Nadina work with wildlife regulators (WRRB, GNWT-ENR, Tłıchǫ Government, Environment Canada) and Aboriginal Organizations to develop a wildlife management plan.</p>
15	Wildlife	<p>Comment: Species at Risk</p> <p>Recommendation: Mitigation and monitoring measures must be taken in a way that is consistent with applicable recovery strategies and action/management plans.</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>Board staff encourages New Nadina to follow the advice provided by Environment Canada in order to ensure compliance with SARA.</p> <p>Part A of the LUP reminds the Permittee of their responsibility to comply with all applicable legislation.</p>
16	Wildlife	<p>Comment: Species at Risk</p> <p>Recommendation: All mitigation measures identified by the proponent, and the additional measures suggested herein, should be strictly adhered to in conducting project activities. This will require awareness on the part of the proponents' representatives (including contractors) conducting operations in the field. Environment Canada recommends that all field operations staff be made aware of the proponents' commitments to these mitigation measures and provided with appropriate advice training on how to implement these measures.</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>See above.</p>

17	Wildlife	<p>Comment: Species at Risk Migratory Birds Convention Act, Migratory Birds Regulations</p> <p>Recommendation: Implementation of these measures may help to reduce or eliminate some effects of the project on migratory birds and Species at Risk, but will not necessarily ensure that the proponent remains in compliance with the Migratory Birds Convention Act, Migratory Birds Regulations, and the Species at Risk Act. The proponent must ensure they remain in compliance during all phases and in all undertakings related to the project.</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>Board staff encourages New Nadina to follow the advice provided by Environment Canada in order to ensure compliance with the <i>Migratory Birds Convention Act</i>, <i>Migratory Birds Regulations</i>, and the <i>SARA</i>.</p> <p>Part A of the LUP reminds the Permittee of their responsibility to comply with all applicable legislation.</p>
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Fisheries and Oceans Canada: Rick Walbourne

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
5	General File	Comment: DFO Mineral Exploration Operational Statement		
6	General File	Comment: DFO Dock and Boathouse Construction Operational Statement		
7	General File	Comment: DFO Protocol for Winter Water Withdrawal from Ice-Covered Waterbodies in the NWT and Nunavut		
8	General File	Comment: Cover Letter		
1	Mineral Exploration Activities	<p>Comment: Impacts to fish and fish habitat can occur during mineral exploration activities through loss of riparian habitat during site clearing, erosion and sedimentation, release of drilling fluids and cuttings into aquatic environments, disturbance to fish and fish habitat during sensitive life stages, and water withdrawals, particularly during low water periods, associated with drilling, surface stripping and camp operations.</p> <p>Recommendation: Adhere to the DFO Mineral Exploration Operational Statement available at: http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territoires-territoires/nt/os-eo24-eng.htm</p>	<p>Sep 8: Will adhere to all Federal and Territorial regulations.</p>	<p>Board staff recommend adherence to DFO's Mineral Exploration Operational Statement.</p> <p>The Board can remind the Permittee of these four recommendations through a statement in the issuance letter.</p>
2	Water	Comment: Water withdrawn from ice-covered waterbodies can	Sep 8: Will	Board staff recommend adherence to the

	Withdrawal	<p>impact fish through oxygen depletion, loss of over-wintering habitat and/or reductions in littoral habitat.</p> <p>Recommendation: Adhere to the DFO Protocol for Winter Water Withdrawal from Ice-Covered Waterbodies in the NWT and Nunavut (attached)</p>	adhere to all Federal and Territorial regulations.	DFO protocol for Winter Water Withdrawal from Ice-Covered Waterbodies in the NWT and Nunavut.
3	Water Withdrawal	<p>Comment: Fish screens at freshwater intakes have the potential to result in direct impacts to fish as a result of entrainment or impingement</p> <p>Recommendation: Adhere to DFO's Freshwater Intake End-of-Pipe Fish Screen Guideline, available at: http://www.dfo-mpo.gc.ca/library/223669.pdf</p>	Sep 8: Will adhere to all Federal and Territorial regulations.	Board staff recommend adherence to DFO's Freshwater Intake End-of-Pipe Fish Screen Guideline
4	Dock Construction	<p>Comment: In correspondence dated August 25th, 2011, it was mentioned that a new dock site is under consideration further in the bay. Dock construction can impact shoreline habitat by covering spawning habitat, removing rocks and logs that provide shelter, causing erosion and sedimentation from bank disturbance and disrupting sensitive fish life stages.</p> <p>Recommendation: Adhere to the DFO Dock and Boathouse Construction Operational Statement available at: http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territories-territoires/nt/os-eo08-eng.htm</p>	Sep 8: Will adhere to all Federal and Territorial regulations.	<p>New Nadina should keep the Inspector and the Board informed of the plans for dock construction in order to ensure compliance with the Northwest Territories Waters Act.</p> <p>Board staff recommend adherence to the DFO Dock and Boathouse Construction Operational Statement. New Nadina should contact DFO for further advice regarding dock construction.</p>

GNWT - Environment and Natural Resources: Patrick Clancy

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General Comment	<p>Comment: ENR Comments</p> <p>Recommendation: As outlined in ENR's Letter</p>	Sep 8: Will adhere to all Federal and Territorial regulations.	
	Protection of Wildlife and Fish Habitat	<p>Comment: Desired End Result: To ensure the protection of SARA species listed within the project area.</p> <p>The application does not identify SARA species or discussed how potential impacts will be mitigated and monitored. The Species at Risk Act (SARA) states that adverse effects on listed species must be</p>	See above	Board staff recommends that New Nadina work with wildlife regulators (WRRB, GNWT-ENR, Tłıchǫ Government, Environment Canada) and Aboriginal Organizations to develop a wildlife management plan.

	<p><i>identified and assessed</i>, and regardless of significance, mitigated and monitored (s79). Any impact to habitat that is important to Species at Risk, including the 'critical habitat' and 'residences' specified under SARA, must be considered during EIA. If the habitat is known to be used by a species of wildlife at risk, and its importance is unclear, a precautionary approach requires treating that habitat as important unless the balance of evidence suggests otherwise.</p> <p>Recommendation: The Permittee shall treat those species assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) should be treated consistently as those species listed under the Species at Risk Act (SARA)</p>		<p>Board staff encourage New Nadina to follow the advice provided by ENR. Part A of the LUP reminds the Permittee of their responsibility to comply with all applicable legislation.</p>
Topic: Caribou	<p>Comment: Desired End Result: To ensure the protection of historical and currently used habitat used by barren ground caribou during their spring migration routes.</p> <p>Based on past knowledge of the distribution and movement of the barren ground caribou around the Lac De Gras area during spring, there is a high probability that breeding cows for both the Bathurst and Beverly/Ahiak herds will use this area during their spring migration to the calving grounds.</p> <p>Recommendation: The Permittee shall temporarily suspend operations if <u>any</u> amount of caribou are seen during this time (suspended activities include drilling, aircraft over flights, and ATV or snowmobile use) When caribou are further than 500m away operations may resume.</p>	See above	<p>Working group #4 has developed a multi-agency group to discuss conditions related to wildlife and wildlife habitat moving forward and currently the Board's are using the following condition, which has been included in the DRAFT land use permit, to address this issue: "The Permittee shall not commence drilling or move any equipment within five hundred (500) metres of one or more caribou."</p> <p>In addition to compliance with any Land Use Permit Conditions, Board staff encourages New Nadina to follow the advice of the ENR in order to minimize impacts on wildlife.</p>
Wildlife Dens/Nests	<p>Comment: Desired End Result: To ensure the protection of dens that could be occupied.</p> <p>Activities in close proximity to dens could disturb the occupants, in violation of the NWT <i>Wildlife Act</i>. Therefore, actions need to be taken to reduce the likelihood of causing a disturbance, including the maintenance of the following buffers:</p>	See above	<p>Board staff encourages New Nadina to follow the advice of the ENR in order to minimize impacts on wildlife and to ensure compliance with the NWT <i>Wildlife Act</i>.</p>

		<p>Recommendation:</p> <ul style="list-style-type: none"> • The Permittee shall prevent violation of the NWT Wildlife Act by observing the following thresholds: • 1.5 km between active nests and human activities to ensure incubation success, (Raptor Species) • 800 m between active wolf dens and human activities, between May 1st and July 15th, • 800 m between active wolverine dens and human activities, between February 1st and July 15th, • 1km between a bear den and human activities from October 15th till May 15th. 		
<p>Topic : Storage, Handling and Disposal of Solid Waste and Grey Water/Se wage</p>		<p>Comment: Desired End Result: To ensure the protection of staff at the camp and wildlife within their natural habitat by reducing or preventing human/bear conflicts, that could lead to the destruction of nuisance bears.</p> <p>Inadequate storage, not having proper protection (fencing), onsite treatment, and disposal of wastes are the most common activities that lead to conflicts between humans and wildlife inhabiting a common area. Having some sort of fencing is particularly important around industrial camps because of the prodigious amount of food odours created.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. The Permittee shall properly install, use and maintain electric fencing that will prevent the attraction of wildlife. 2. The Permittee shall use food handling and garbage disposal procedures that do not attract wildlife. 3. The Permittee shall ensure that all grease and oils are stored in a manner that reduces the release of odours and prevents wildlife from accessing the attractants. 4. The Permittee shall keep all garbage and debris in a sealed animal proof container until disposed of and containers cleaned/treated once emptied. 5. The Permittee shall remove all non-combustible garbage and debris, including plastics (including Pacto bags, if designed using plastic) from the land use area to an approved waste disposal site. 6. The Permittee shall remove all waste petroleum products, 	<p>See above</p>	<p>Board staff encourages New Nadina to follow the advice of the ENR, particularly regarding recommendations 1,2,3.</p> <p>Recommendations 4,5,6 are addressed by LUP conditions related to waste under 26(1)(i).</p>

		scrap metal, discarded machinery, parts, drums, barrels, plastics, and building materials to an <i>approved</i> waste disposal facility.		
	Topic: Fuel Storage	<p>Comment: Desired End Result: Ensure provisions are in place for appropriate storage of fuel and disposal fuel contaminated materials.</p> <p>Incineration of industrial hazardous waste that results from operations or the clean-up of spills unless it can be demonstrated that it is done in an incineration device capable of meeting the emission limits established by the Canadian Council of Ministers of the Environment (CCME) under the Canada-wide Standards (CWS) for Dioxins and Furans and the CWS for Mercury Emissions.</p> <ul style="list-style-type: none"> • “Any contaminated soil and/or vegetation will be placed in impermeable material and burned”. • “All fuel soaked absorbent material will be incinerated.” <p>Recommendation:</p> <ul style="list-style-type: none"> • Ensure mitigative measures are in place in the event of spills of any hazardous materials. • Ensure that the spill plan is laid out with clear instructions for field personnel in an emergency situation • The Permittee shall ensure that all contaminated soil and/or vegetation as well as all material used during clean up is stored and disposed of in a manner that is appropriate. 	See above	Fuel storage and contingency measures are addressed in the LUP under 26(1)(m).

GNWT - Prince of Wales Northern Heritage Centre: Glen Mackay

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General Comment	<p>Comment: Previous archaeological surveys in the Lac De Gras area indicate that this area in general has a high density of archaeological sites. To our knowledge, the project area for land use permit application W2011C0004 has never been inspected by an archaeologist. The PWNHC is concerned that unrecorded archaeological sites may be at risk of impact from the proposed exploration activities.</p> <p>Recommendation: We recommend that the proponent contract an archaeologist to conduct an archaeological impact assessment (AIA) of their project area, including all of the kimberlite targets located on</p>	<p>Sep 8: Will contact Prince of Wales Northern Heritage Centre to get recommendation of assessment requirements and archaeologists to arrange for assessment in</p>	<p>Conditions regarding the protection of archaeological sites have been addressed in draft LUP (Section 26(1)(j)). Furthermore, Board staff recommends that the proponent communicate with the PWNHC regarding contracting an archaeologist to conduct an archaeological site assessment for sites that will be disturbed during the land use operation.</p>

		land and any other areas of anticipated ground disturbance. This work must be completed next summer. While exploration activities scheduled for this winter may proceed as planned, we recommend that the archaeologist inspect any areas of ground disturbance resulting from this work as part of the AIA.	summer of 2012.	
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INAC - South Mackenzie District Office: Charlene Coe

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General Comment	Comment: SMD letter Recommendation: see letter	Sep 8: No response required - mining leases in good standing	No Board response required.

INAC - South Mackenzie District Office: Nahum Lee

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General Comment	Comment: Spill Contingency Plan must contain worst case scenarios as per AANDC Guidelines for Spill Contingency Planning. Recommendation: Include worst case scenarios including responses to these scenarios in Spill Contingency Plan	Sep 8: Working on appendix to Spill Plan to include recommended information. Will provide before Board meeting.	The proponent must update their Spill Contingency Plan to include worst case scenarios and responses to these scenarios.
2	General Comment	Comment: Inspector recommended conditions. Recommendation: Please incorporate recommended conditions into the land use permit.	Sep 8: Working on appendix to Spill Plan to include recommended information. Will provide before Board meeting.	Board staff incorporated all of the AANDC Inspector's recommended conditions into the land use permit and discussed any changes with the Inspector in September 2011. In September 2012, Board staff updated the land use permit conditions to reflect revisions that have been made to standard conditions over the past year.