

Comment	Recommendation	Proponent Response
<p>The Proponent’s Land Use Permit Application outlines that vegetation clearing will occur year-round to make drilling possible.</p> <p>The project poses a risk of damaging or destroy active bird nests and inactive raptor nests.</p> <p>Environment and Natural Resources (ENR) supports the inclusion of draft land use permit condition #74 regarding migratory bird nest disturbance.</p>	<p>ENR recommends that the Sahtu Land and Water Board (the Board) include permit condition(s) requiring the following: The Permittee shall not conduct any activity within the setback distances specified for raptors nests within Table 4 of the Sahtu Land Use Plan.</p>	<p>SCML has no issue with including the recommendation in the permit.</p>
<p>The project involves: Ground disturbance which poses a risk of disturbance or destruction of grizzly or black bear dens; ground disturbance in areas with terrain features that may support bat hibernacula (e.g. caves) and thus poses a risk of disturbance or destruction of bat hibernacula; and involves vegetation clearing or ground disturbance during summer which may damage or destroy trees that support summer maternity roosts for bats.</p>	<p>ENR recommends that the Board include permit condition(s) requiring the following:</p> <ol style="list-style-type: none"> <li>1) If dens, muskrat push-ups, beaver lodges/dams, bat hibernacula or maternity roosts are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.</li> <li>2) The Permittee shall not clear any vegetation or disturb any structures supporting summer maternity roost of a bat species, unless authorized by a General Wildlife Permit obtained from ENR.</li> <li>3) The Permittee shall not conduct any activity within the setback distances specified for active mammal dens within Table 4 of the Sahtu Land Use Plan.</li> </ol>	<p>SCML has no issue with including the recommendation in the permit.</p>

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<p>Section 76 and 77 of the Species at Risk (NWT) Act requires the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a land use permit or water licence application, respecting the potential impacts of the proposed development, permit or licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee (SARC) but have not yet been added to the NWT List of Species at Risk.</p> <p>The project area overlaps with the ranges of Northern Mountain Caribou (Special Concern in the NWT) and Little Brown Myotis (bat) (Special Concern in the NWT). Information on these species is available at <a href="https://www.nwt-species-at-risk.ca/SpeciesAtRisk">https://www.nwt-species-at-risk.ca/SpeciesAtRisk</a>.</p> <p>Potential impacts to the species at risk listed above from the project include sensory disturbance and disturbance or destruction of habitat. The proponent has outlined several mitigation strategies for sensory disturbance to species at risk while drilling or using machinery, such as suspending activities or reducing speeds on roads when caribou are within 500 m. The proponent also has a detailed restoration plan</p>	<p>N/A. ENR is satisfied that with application of the specific recommendations contained within the letter to the Board, the letter to the Proponent, and with the application of the wildlife mitigation and monitoring measures outlined in the Proponent’s land use permit application, and draft land use permit conditions, potential impacts to the species at risk listed above can be avoided or minimized.</p>	<p>NA</p>

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that also serves to mitigate the projects impacts to habitat.		
Proposed activities may place recorded and unrecorded archaeological sites at risk of impact.	We recommend AOA and AIA-High Potential Conditions are included in the Land Use Permit.	We would like to see reference of these terms in advance, please.
The standard avoidance measure for archaeological sites is 150 m. However, alternate recommendations may be made in relation to individual archaeological sites.	Change the 'Archaeological Buffer' Condition to "The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or 500 metres of a burial ground, unless alternate avoidance measures have been provided by ECE – Culture and Heritage Division".	The proponent does not agree with the large archeological buffer. SCML agrees to a 30 meter buffer around known or suspected historical or archaeological sites and 100 meter of buffer around a burial ground.
Inspector has no problem with the change, however, what mitigation measure will the Proponent implement to ensure there will be no detrimental adverse environmental effects from drilling < 100m from the OHWM? will there be berms installed to catch any contaminants or stop any erosion issues? Will all drill locations < 100m from the OHWM be drilled via helicopter to limit land disturbances < 100m from the OHWM. Will all holes be backfilled?	Highlight the more stringent mitigation measures to ensure all boreholes < 100m from OHWM will experience very little disturbance and environmental liabilities will be low as you are mitigating with more indepth measures and procedures of drilling < 100m from the OHWM.	<p>SCML will ensure to keep a minimum of 30 m away from the ordinary highwater mark. SCML will ensure the following when working &lt;50 m from the ordinary high water mark;</p> <ul style="list-style-type: none"> <li>✓ Install silt fences where there is potential for disturbed sediments to be washed into receiving waters.</li> <li>✓ Do not scrape (blading) down to mineral soil</li> <li>✓ Re-vegetate disturbed surfaces as soon as possible by returning vegetative mat and/or using an approved seed mix.</li> <li>✓ Use existing trails and roads as much as possible.</li> </ul>

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		<ul style="list-style-type: none"> <li>✓ Maintain vegetation buffers, particularly near water.</li> <li>✓ Minimize the amount of mass grading and soil compaction at the site.</li> <li>✓ Avoid working on unstable areas and steep slopes.</li> <li>✓ Sequence and schedule construction to take advantage of drier weather.</li> <li>✓ Stockpile mineral soil and organic soil separately; when spreading, spread mineral soil first and organics last. This will prevent erosion and encourage re-vegetation (surface stabilization).</li> <li>✓ Sumps must be fenced, marked and of sufficient size to prevent overflow into the environment. There must be at least 1.0 m deep with room freeboard to prevent overflow.</li> <li>✓ Only drill cuttings are to be present in the sump.</li> <li>✓ Sumps must be bermed sufficiently to prevent runoff from entering the sump.</li> <li>✓ The sump must only contain drill cuttings.</li> <li>✓ The sump will only be used for approved non-toxic drilling waste.</li> <li>✓ Work will be planned to avoid working within the ordinary high water mark of watercourses whenever possible.</li> </ul>

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		<ul style="list-style-type: none"> <li>✓ Leaky equipment cannot be used for work that will occur &lt;100 m of OHWM to any water source.</li> <li>✓ Any equipment that leaks oil, fuel or hydraulic fluids must be removed from the construction area immediately, when near water.</li> <li>✓ Grease, oil and surface grime on equipment can contaminate water. Equipment must be free of these materials prior to use &lt;100 m of OHWM water.</li> </ul>
<p>Inspector would like a copy of the exact coordinates of all bore holes prior to the commencement of any drilling, This will eliminate any confusion for inspection afer the fact.</p>	<p>Contact the Inspector prior to any drilling with a list of locations being drilled.</p>	<p>SCML has no issue with including the recommendation in the permit. SCML will ensure the new numbers are captured in SOP's and Management plans. As well, as displayed in the camp offices.</p>
<p>Inspectors numbers for the permit should be 876-587-7205 an 867-587-7202</p>	<p>Update permitted conditions to reflect his information</p>	<p>SCML has no issue with including the recommendation in the permit.</p>



October 27, 2021

Ms. Jenna Grandjambe  
Ms. Bonnie Bergsma  
Sahtu Land and Water Board  
BOX 1  
FORT GOOD HOPE, NT X0E 0H0

Dear Ms. Grandjambe and Ms. Bergsma,

**Re: Selwyn Chihong Mining Ltd.  
Renewal Application for Type A Land Use Permit S16C-002  
Request for Comment**

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories has reviewed Selwyn Chihong Mining Ltd.'s application for the renewal of their Type A Land Use Permit S16C-002 based on ENR's mandated responsibilities under the *Wildlife Act* and *Species at Risk (NWT) Act*. ENR comments and recommendations have been submitted to the Online Review System for the consideration of the Sahtu Land and Water Board.

Comments and recommendations were provided by ENR technical experts in the Wildlife and Fish Division and were coordinated and collated by the Environmental Assessment and Monitoring Section (EAM), Environmental Stewardship and Climate Change Division. Technical questions on this submission can be addressed to:

James Hodson: Habitat and Environmental Assessment, Wildlife and Fish Division  
by email at [James\\_Hodson@gov.nt.ca](mailto:James_Hodson@gov.nt.ca) or (867) 767-9237 Ext: 53227.

For general questions about this submission, please contact Laurie McGregor, Environmental Assessment Analyst at [GNWT\\_EA@gov.nt.ca](mailto:GNWT_EA@gov.nt.ca).

Sincerely,

Laurie McGregor  
Environmental Assessment Analyst  
Department of Environment and Natural  
Resources  
Government of the Northwest Territories



October 27, 2021

Mr. Gabriel Zue  
Principal Geologist  
Selwyn Chihong Mining Ltd.  
#501-3292 PRODUCTION WAY  
BURNABY, BC V5A 4R4

Dear Mr. Gabriel Zue

**Re: Selwyn Chihong Mining Ltd.  
Renewal Application for Type A Land Use Permit S16C-002  
Request for Comment**

The Wildlife and Fish Division of the Department of Environment and Natural Resources (ENR) has reviewed Selwyn Chihong Mining Ltd.'s (SCML) application for the renewal of their Type A Land Use Permit S16C-002 based on ENR's mandated responsibilities under the *Wildlife Act* and *Species at Risk (NWT) Act*. ENR provides the following comments and recommendations for SCML's consideration and appropriate action.

### **Topic 1: Nesting birds**

#### **Comments:**

- The Proponent's land use permit application (page 10) states that nest checks will be conducted ahead of accessing drill pads if drilling will occur during the nesting season, and that a buffer zone will be cordoned off if nests are found.
- Protection of nests is essential to ensuring reproductive success and survival of both adult birds and their young.
- Critical breeding periods for NWT raptors can start as early as the 1<sup>st</sup> week of April and last up until 3<sup>rd</sup> week of September, depending on the species and location.
- Conducting activities involving vegetation clearing, ground disturbance or demolition of buildings and other structures during the nesting season increases the risk of the disturbance or destruction of any type of occupied bird nest. This would be contravening paragraph 51(1)(a) and(b) of the *Wildlife Act*.
- Activities involving vegetation clearing, ground disturbance or demolition of buildings and other structures outside of the nesting season may also disturb

- the birds themselves or a nest that is not occupied. Paragraph 51(1)(c) of the *Wildlife Act* prohibits the disturbance or destruction of the nest of a prescribed bird, even when it is unoccupied. Prescribed birds for the purpose of paragraph 51(1)(c) and 52 of the *Wildlife Act* are birds of prey (raptors) as set out in Schedule B of the *Wildlife General Regulations*. However, while a raptor nest may not be intentionally destroyed, even if unoccupied, typically on a case-by-case basis the destruction or removal of nests may be authorized where required by General Wildlife Permit.
- While compliance to the *Wildlife Act* and its regulations are required, the Canadian Wildlife Service of Environment and Climate Change Canada is the primary responsible management authority for migratory birds protected under the *Migratory Birds Convention Act, 1994*  
(<https://www.canada.ca/en/environment-climate-change/services/migratory-birds-legal-protection/convention-act.html>).
- GNWT is responsible for the management of non-migratory birds including upland game birds like ptarmigan and grouse, and raptors as indicated in the schedules of the *Wildlife General Regulations*.

#### **Recommendations:**

- 1) Conduct vegetation clearing and any new ground disturbance outside of the nesting season for birds in the project area.
- 2) Information on critical breeding periods for raptors in the NWT is available at: [https://www.enr.gov.nt.ca/sites/enr/files/raptor\\_species\\_breeding\\_periods.pdf](https://www.enr.gov.nt.ca/sites/enr/files/raptor_species_breeding_periods.pdf).
- 3) Follow the Government of Canada's *Guidelines to reduce risk to migratory birds* (available at <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html>).
- 4) Consult the Government of Canada's *General nesting periods of migratory birds* for current information on general nesting periods of federally protected migratory birds that occur within the NWT (<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods.html>).
- 5) If active nests are encountered during project activities implement protective buffer zones described in applicable the regional land use plan, Table 2-5 of the Northern Land Use Guidelines – Northwest Territories Seismic Operations (<http://www.lands.gov.nt.ca/en/northern-land-use-guidelines>), or the Government of Canada's guidance on *Establishing buffer zones and setback distances* for nests (<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html#toc5>).
- 6) If disturbance or destruction of an occupied nest or eggs of a non-migratory bird species (including raptors), or an unoccupied raptor nest, cannot be avoided and all other all mitigation options have been ruled out, contact the regional ENR



office to determine whether a permit to disturb or destroy the nest/eggs can be obtained.

## **Topic 2: Wildlife abodes**

### **Comments:**

- Subject to sub-section 51(2) of the *Wildlife Act*, it is illegal to break into, destroy or damage a den or hibernaculum unless you have an Aboriginal or treaty right, license or a permit to do so.
- Protection of dens, beaver lodges, muskrat push-ups, and hibernacula is essential to ensuring reproductive success and survival of both adults and young.
- Subject to sub-section 5.3.(1) of the *Wildlife General Regulations*, no person shall damage, destroy, disturb, or otherwise adversely affect the summer abode of a bat (also referred to as a summer maternity roost), unless authorized by a licence or permit to do so. This prohibition does not apply to a summer abode in a man-made structure on private property. In the summer, NWT bats roost (rest) in tree hollows or crevices, under tree bark, among the leaves of trees, in caves, in rock crevices, and in buildings. Roosts in forested habitat typically occur in large, dead or decaying trees. Roosts provide shelter, protection from predators, and suitable temperature and humidity conditions. A single roost may be used by many reproducing females and their young. Many bats show strong fidelity to roosts or to a group of roosts, returning year after year to the same roost or to the same patches of roosting habitat. Destruction or removal of a roost may be authorized typically on a case-by-case basis where required by a General Wildlife Permit which can be obtained from ENR.

### **Recommendations:**

- 1) The Proponent should contact ENR prior to start-up of project activities to determine if there are any known dens, push-ups, lodges, beaver dams or hibernacula, or bat maternity roosts within the project area.
- 2) The Proponent should conduct pre-activity surveys within 800m of the project footprint to identify active bear dens between September 30 and March 30. Surveys should be conducted in the fall shortly after the first snow fall to detect freshly dug dens.
- 3) If an active bear den is detected, or suspected, implement and maintain an 800 m buffer zone until the bear emerges in spring.
- 4) If the bear den and exclusion zone would result in the halt of part or the entire program, the Proponent should contact ENR to discuss alternative mitigation options. The location of active bear dens should be kept confidential between the developer and ENR until after emergence in the spring.
- 5) The Proponent should avoid vegetation clearing or demolition of buildings or other man-made structures that may be used as summer maternity roosts for bats between May 1 to September 30.

- 6) If bats are suspected to be present in structures or buildings associated with the project, the Proponent should consult the NWT Guide for Managing Bats in Buildings ([https://www.enr.gov.nt.ca/sites/enr/files/resources/3546-gnwt-enr-bats-guidebook\\_july15.pdf](https://www.enr.gov.nt.ca/sites/enr/files/resources/3546-gnwt-enr-bats-guidebook_july15.pdf)).
- 7) Further guidance on different setback distances and timing windows for wildlife abodes are provided in Table 2-5 of the Northern Land Use Guidelines: Northwest Territories Seismic Operations ([https://www.lands.gov.nt.ca/sites/lands/files/resources/nlug\\_seismic\\_2015\\_english\\_-\\_16\\_sept\\_2015.pdf](https://www.lands.gov.nt.ca/sites/lands/files/resources/nlug_seismic_2015_english_-_16_sept_2015.pdf)).
- 8) Proponents should also check whether there are setback distances and timing restrictions for wildlife abodes within the applicable regional land use plan for their project area.

### **Topic 3: Reporting wildlife sightings**

#### **Comment:**

- Proponents are encouraged to record wildlife sightings and to submit these records to ENR's Wildlife Management Information System (WMIS). Wildlife sightings data provides useful information for assessing changes in species distribution and the timing and location of different life history events such as migration, denning, nesting, calving, etc.

#### **Recommendations:**

- 1) Submit information about wildlife sightings (species, date, time, location, number of individuals, sex, behavior, etc.) to ENR's Wildlife Management Information System (WMIS) at [WMISTeam@gov.nt.ca](mailto:WMISTeam@gov.nt.ca). For further information on the WMIS consult: <https://www.enr.gov.nt.ca/en/services/recherche-et-donnees/wildlife-management-information-system>
- 2) Blank wildlife sighting report forms can be downloaded from the following link: [https://www.enr.gov.nt.ca/sites/enr/files/resources/sample\\_procedural\\_manual\\_and\\_reporting\\_templates\\_june\\_2019.pdf](https://www.enr.gov.nt.ca/sites/enr/files/resources/sample_procedural_manual_and_reporting_templates_june_2019.pdf)

### **Topic 4: Reporting Wildlife Defence of Life and Property Kills and Wildlife Emergencies/Incidents**

#### **Comments:**

- Subject to paragraph 57(a) of the *Wildlife Act*, any big game that is killed to prevent injury or death to a person or damage to property must be reported to ENR as soon as is practicable. Section 7 of the *Wildlife General Regulations* indicates the information that must be included in the report.
- Subject to section 58 of the *Wildlife Act* and sub-section 8(1) of the *Wildlife General Regulations*, any person who accidentally kills or seriously wounds big game with a motorized vehicle on a highway must report the event to an officer

within 24 hours after the incident. Sub-section 8(2) of the *Wildlife General Regulations* indicates the information that must be included in the report.

- ENR acknowledges that the Proponent's land use permit application (page 10) states that all employees will be provided with Bear Aware Training and necessary deterrents.

**Recommendations:**

- 1) Report all sightings of bears in and around the project location to your local ENR office. Any defence of life and property kills must be reported to the appropriate ENR office immediately. Please contact the following Regional Office as required:
  - Sahtu Region Wildlife Emergency Line at (867) 587-2422
- 2) Report to an ENR officer as soon as is practicable any wildlife that is killed to prevent injury or death to a person or damage to property.
- 3) Report to an ENR officer any big game that is killed or seriously wounded by a motorized vehicle on a highway within 24 hours after the incident by calling 1-866-762-2437.
- 4) Reports must include at minimum the name of the person who killed or seriously wounded the big game, an explanation of the incident, the time, date and location of the incident, the species or quantity involved, and any other information requested by the wildlife officer.
- 5) Blank incident report forms can be downloaded from the following link:  
[https://www.enr.gov.nt.ca/sites/enr/files/resources/sample\\_procedural\\_manual\\_and\\_reporting\\_templates\\_june\\_2019.pdf](https://www.enr.gov.nt.ca/sites/enr/files/resources/sample_procedural_manual_and_reporting_templates_june_2019.pdf).

**Topic 5: Cumulative effects**

**Comments:**

- Keeping track of the disturbance footprint of development activities is an important component of tracking and informing the management of cumulative effects on wildlife and wildlife habitat.
- To better understand cumulative effects in the NWT, ENR-NWT Cumulative Impact Monitoring Program has developed the 'Inventory of Landscape Change' (ILC). One of the layers incorporated in the ILC is derived from public registry documents and validated through satellite imagery. Submission of standardized spatial data to public registries facilitates data acquisition for this layer.

**Recommendation:**

- 1) The proponent should submit geospatial data and for the completed project footprint to the Land and Water Board for placement on the public registry. The MVLWB's "Standards for Geographic Information Systems (GIS) Submissions" should be followed when submitting spatial data.

## Topic 6: Species at Risk

### Comments:

- The Proponent should be aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the NWT *Wildlife Act*.
- As a best practice, ENR encourages the proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal *Species at Risk Act*, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may apply to these species under federal legislation.

### Recommendations:

- 1) Make sure that employees and contractors are aware of the species at risk that might occur in the project area. This includes species that are pre-listed or listed under the *Species at Risk (NWT) Act*, species listed under the federal *Species at Risk Act*, and species designated as at risk by COSEWIC.
- 2) Be aware of the prohibitions that may apply to the species that may occur in your area. Check the *Species at Risk (NWT) Act* regulations webpage (<http://www.nwt-species-at-risk.ca/ToolsForDevelopers>) to see if there are any applicable regulations or agreements with land owners that must be followed for NWT-listed or pre-listed species at risk. Contact Environment and Climate Change Canada and Fisheries and Oceans Canada (DFO) for further information about federally-listed species and federal legal requirements.
- 3) If species at risk are encountered during project undertakings, the primary mitigation measure should be avoidance. The Proponent should avoid contact with or disturbance to each species, its habitat and/or its residence.
- 4) Monitoring should be undertaken by the Proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. As a minimum, 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 with or disturbance to the species, its habitat, and/or its residence.
- 5) Submit sightings of species at risk and monitoring information to ENR's Wildlife Management Information System (WMIS) at [WMISTeam@gov.nt.ca](mailto:WMISTeam@gov.nt.ca) and to other appropriate regulators and organizations with management responsibility for the species. Further information on the WMIS can be found at <https://www.enr.gov.nt.ca/en/services/recherche-et-donnees/wildlife-management-information-system>

Comments and recommendations were provided by ENR technical experts in the Wildlife and Fish Division and were coordinated and collated by the Environmental

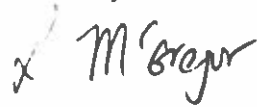
Assessment and Monitoring Section, Environmental Stewardship and Climate Change Division.

Technical questions on this submission can be addressed to:

James Hodson: Habitat and Environmental Assessment, Wildlife and Fish Division by email at [James\\_Hodson@gov.nt.ca](mailto:James_Hodson@gov.nt.ca) or (867) 767-9237 Ext: 53227.

For general questions about this submission, please contact Laurie McGregor, Environmental Assessment Analyst at [GNWT EA@gov.nt.ca](mailto:GNWT_EA@gov.nt.ca).

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie McGregor". The signature is written in a cursive style with a small "x" mark at the beginning.

Laurie McGregor  
Environmental Assessment Analyst  
Department of Environment and  
Natural Resources